3222

SUPREME COURT OF THE UNITED STATES.

No. 166.

JOHN BAPTISTE BEAUBIEN AND AL., COMPLAINANTS AND APPELLANTS,

vs.

ANTOINE BEAUBIEN AND AL.

APPEAL FROM THE CIRCUIT COURT OF THE U. S. FOR THE DISTRICT OF MICHIGAN.

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Pleas before the judges of the circuit court of the United States for the seventh circuit and district of Michigan, at the district court room, in the city of Detroit, in said district, of the term of October, in the year of our Lord one thousand eight hundred and fifty-seven, in the case wherein John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelenge Parent, Benjamin Langlois, Moses Langlois, Gregoire Langlois, Alexander Langlois, Joel Langlois, Tarcede Pelete and Ovid Pelete, her husband, Dosette Langlois, Eli Parent, Polly Janice and Jule Janice, her husband, John Baptiste Velaire, Alexander Valaire and Dounes Gothier, are complainants, and Antoine Beaubien, Robert Beaubien, Charles J. Trombly, Jeanivieve Poupard and Simon Poupard, her husband, Thomas Coquillard, jun'r, and Thomas Coquillard, sen'r, widower of Clara Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Rev'd Peter Paul Le Fevre, Eben N. Wilcox, and Will'm Fisher, Thos. K. Adams, Henry H. Armstrong, Luther Beecher, Will'm Burnell, Ephraim Brown, Israel J. Beniteau, Mathew W. Birchard, Alexander Chapoton, Capt'n Francis Cicotte, Frank A. Cicotte, Edward V. Cicotte, Henry P. Bridge, Alexander Lewis, James H. Cook, James Carpenter, George Doty, Peter Desnoyer, James A. Graves, George Driggs, James Eagle and Rich'd R. Elliott, comprising the firm of Eagle & Elliott, Dennis Flattery, David W. Fiske, Henry A. Giese, Chauncy Hurlbut, Rich'd H. Hall, Joseph Heack, Henry Miller, Madam Aliosa Hardy, Alex. H. Newbould, David S. Osborn, Charles Peltier, the president, directors, and company of the Detroit and Pontiac Railroad Company, now known by the name of the Detroit and Milwaukie Railway Company; Francis Raymond, James Sherlock, John B. Schmittdiel, Mrs. David Smart, Augustus Vallier, Deveraux James, and John Williams, John Weitzel, Charles Lappan, William Walker, James Kibbee, Albert Crane and William B. Wesson, comprising the firm of Crane & Wesson, Thomas Chase, Dominique Latour, John B. Condor, James Shearer, Peter Hesse, Louis Kenfier, Flavius Abbott, James Abbott, Charles Campau, Henry Campau, Patrick Tregent, Francis Crawford, Bela Hubbard, William Paton, Frederick Eauke, Thomas Armstrong, John Copeland, William Gooding, Francis Pepin, James Stewart, Conrad Gies, Christopher Hartinger, Jared C. Warner, Jonathan L. King, Edward Lyon, Edward N. La Croix, Francis Palmer, Doctor John B. Scoville, Edward Trowbridge, Benjamin L. Webb, James W. Tillman, John Bloynk, Isaac Finehart, Robert E. Roberts, Frederich Seitz, Peter Dixon, William R. Edwards, James

Gallager, Augustus Paulus, Louis Campau, William Fisk, Benjamin Chapoton, Neal Flattery, Louis Nevereaux, Fran. Briggeman, Ferdinand Fiefer, George B. Ensworth, Charles Gobelle, David French, George Miller, Leonard Richter, Andrew Hooner, Moses P. Christian, James Myers, Thomas Myers, Thomas Trombley, Henry Beaubien, Charles Beaubien, Mary Ann Beaubien, Cicotte and James Cicotte, her husband, Richard Beaubien, Mrs. Louis Campau, and her husband Louis Campau, Mrs. Clement Lafferty, and Clement Lafferty, her husband, Catherine Meldrum and John T. Meldrum, her husband, John B. Campau, Charles Beaubien, George Beaubien, and Lambert Beaubien, are defendants.

Be it remembered, that on the fifteenth day of January, in the year of our Lord one thousand eight hundred and fifty-five, the said complainants, by their solicitor, James B. Witherell, came into the court aforesaid, before the judges thereof, according to the statute, and the rules and practice of this court, and filed their bill of complaint, which said bill of complaint is in the words and figures following, to wit:

Bill of Complaint.

To the Judges of the Circuit Court of the United States for the district of Michigan:

Your orators and oratrices, John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catherine Parent, Seelonge Parent, Benjamin Longlois, Moses Longlois, Gregoire Longlois, Alexander Longlois, Joel Longlois, Tarcede Pelete and Ovid Pelete, her husband, Dosette Longlois, Eli Parent, Polly Jonnice and Jule Jonnice, her husband, John Baptiste Vilaire, Alexander Vilaire and Dounes Gothier, all aliens, subjects of the Queen of Great Britain and Ireland, and all residents of Essex county, province of Canada, excepting the said John Baptiste Beaubien, who resided there until within the last four years, and who now resides in Macomb county, State of Michigan, bring this their bill against the defendants, Antoine Beaubien, Robert Beaubien, Charles J. Tromble, Jeanivieve Poupard and Simon Poupard, her husband, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Reverend Peter Paul Le Fevre, Eben N. Wilcox and William Fisher, all residents of the city of Detroit, in the State of Michigan, and citizens of said State.

And thereupon your orators and oratrices complain and say:

That in or about the year 1745, and while the Territory now forming the State of Michigan was in the possession of the King of France and Navarre, John Baptiste Beaubien, a French subject, upon leave given to him by the Baronet of Longuville, took pos-

session of and made some improvements on part of the real estate and premises now known, marked, and commonly designated as the Antoine Beaubien farm, and Lambert Beaubien farm, in the city of Detroit, State of Michigan; and that afterwards, to wit, on the 30th of May, 1745, Charles Marquis, of Beauharnois, who was then governor and lieutenant general for said king, in the said Territory, and Gilles Hocquart, baronet, who was then intendant for said king, in said Territory, jointly made to said John Baptiste Beaubien a concession of land, including his said improvements, and drew up and delivered to him a patent for the same, whereby they granted to him, his heirs, and assigns a good and indefeasible estate, in fee simple forever, to three arpents in front on Lake Erie by forty arpents in depth at the southeast corner of the land now known, marked, and designated as above stated, they having full power and authority to make such grant and issue such patent; and that afterwards, to wit, on the first of May, 1747, the same governor and lieutenant general and intendant jointly made to one Jean Marie Barois a concession of two arpents in front on Lake Erie, by forty arpents in depth, and immediately west of the above, and drew up and delivered to him a patent for the same, whereby they granted to him, his heirs, and assigns, a good and indefeasible estate, in fee simple for ever, to the said two arpents in front by forty arpents in depth, they having full power and authority so to do. That afterwards, and before the 28th of December, 1758, the said Jean Marie Barois assigned his said concession to said John Baptiste Beaubien, and on said 28th of December, 1758, Piquoté de Bellestre, then commanding at Detroit for said king, and with the consent of the general of said king, they having full power and authority in the premises, took cognizance of the said assignment, and confirmed the said concession to the said John Baptiste Beaubien, and also granted to him a continuation of the said concessions to the extent of five arpents by forty arpents, making in all five arpents by eighty arpents, and the same property as is now known, marked, and commonly designated as the Antoine Beaubien farm, and Lambert Beaubien farm, as aforesaid. Copies of the said concessions, said confirmations, and continuation are hereto annexed, marked Exhibit A, and translations thereof marked Exhibit B, all which are prayed to be taken as part of this bill. That the original patents of concessions, confirmation, and continuation, of which Exhibit A is a copy, are not in the power or possession of your orators or oratrices, but that the defendants, or some of them, have them, as complainants believe, and they ask that the defendants be compelled to produce the same.

That the said John Baptiste Beaubien, from the time of the issuance of said grants to the time of his death, which happened in the year 1793, continued in quiet and uninterrupted possession of said premises without interruption or eviction from any source, in consequence of any paramount title or otherwise. That he then

had a house, out-houses, an orchard, and a small enclosure on said premises, and that he died intestate, leaving Mariame Beaubien, his widow, and Antoine, John, Marie, Lambert, Joseph, Jeanivieve, Catharine and Susanne, his children and lawful heirs; and that he also had another son, who was named John Baptiste, and who died before his father, and whose heirs and representatives were John Baptiste Beaubien, (grandson of ancestor,) Jeanivieve, who afterwards married one Normanda; and Arconge, who married one Antoine Buffore. That, by the laws then in force, the said property descended in equal parts to said heirs, reckoning the heirs and representatives of John Baptiste (son) as one, in lieu of their deceased father; but that said Antoine and said Lambert, who, until the time of their father's death, had resided on the homestead on said premises, continued to reside with their mother on said homestead up to the time of her death, and that she died intestate, in the latter part of the year 1809. That the said widow so held possession of said premises, as the complainants and those under whom they claim supposed, for the use and benefit of the heirs, who were legally entitled thereto, and that said Antoine and said Lambert had their livelihood out of the estate, which, in fact, belonged to all of the heirs, and which was suffered and tolerated by said heirs, for the sole reason, that they supposed that their brothers would not wrong them, and would take care of the premises for the benefit of all concerned; and had it not been for this expectation, understanding, confidence, and belief that the said brothers Antoine and Lambert would look after the interests of the other heirs, they would not have suffered them to have made their living from the estate, which belonged to the heirs in common, without claiming their shares of the rents and profits thereof. That the rents and profits of the premises at that time were of no very great value, though more than sufficient to defray any incidental expenses. That, by far the greater portion of the premises were wild and unsubdued lands, which lay unenclosed and unoccupied, and have not been of much profit or advantage until quite recently.

That the said John Marie Beaubien and other heirs confided in the honesty and integrity of said Antoine and said Lambert to look after the interests of all, in consideration of the uses and profits of the premises, which they received, and it was understood by and between the said brothers and other heirs that they would well and faithfully look after and represent their interests in the premises.

That said Antoine presented, on or about the 26th day of December, 1804, to the commissioners for the adjustment of land titles, who sat at Detroit, the original documents pertaining to said lands, and the same, in accordance with the acts of Congress, were entered at large on the books, to wit, in vol. 2, page 251, et seq.,

in the United States land office at Detroit, and from which the said Exhibit A is a certified copy; and that he did so, as your orators and oratrices are informed and believe, with the intention of claiming said lands for the use and benefit of the heirs and legal representatives of the said John Baptiste Beaubien, the ancestor; that, at first, the claim was not allowed, but that, subsequently, the said Antoine, before new commissioners, renewed the claim founded upon said documents as aforesaid, and produced a witness, who swore to the facts and circumstances set forth in the testimony shown in Exhibit C, which exhibit is prayed to be taken as part of this bill. That said testimony was false, and known to be so by said Antoine; that, instead of being in the possession of the premises himself, he well knew that he only resided with his parents, and that in his claim to the premises he described it as the paternal estate. That this claim of being in possession was false and fraudulent, and the said commissioners were imposed on and deceived by the said testimony into the granting of a certificate to said Antoine. That he afterwards, to wit, in 1811, procured a patent from the United States in pursuance of the said certificate, describing the whole of said lands, which patent, so far as it purports to convey anything to said Antoine, is fraudulent and void, as against your orators and oratrices and those under whom they claim; and that the other said heirs supposed and verily believed, that at the time said Antoine filed the said documents for record with the said commissioners, he filed the same for the use and benefit of the heirs legally entitled thereto.

That said Antoine and said Lambert continued in the possession, as aforesaid, of the said paternal homestead up to the time of said Lambert's death, in 1815, whose heirs continued to reside on and make their living off a portion of the said premises. That said Antoine, in the year 1818, caused that portion of the premises now known as the Lambert Beaubien farm to be conveyed to said Lambert's heirs, for the expressed consideration of love and affection; and that the said Antoine died in the year 1835, leaving an only son, also named Antoine Beaubien, and who is one of the defendants to this bill. That the said Antoines Beaubien (father and son) and said Lambert Beaubien's heirs have conveyed, or pretended to convey, to divers individuals, rights in the said premises; that, in some instances, they were donations given without consideration; in other instances conveyances were made for a pretended consideration, and that there now are in possession, as heirs, donees, and purchasers of different portions of said premises, several hundred persons, most of whose names are unknown to your orators and oratrices; which said persons set up claim and pretend to have rights and interests in the said premises.

And your orators and oratrices charge that the persons so setting up and claiming as aforesaid are, and were from the commence-

ment of this said claim and pretensions, and at the time of said donations and purchases aforesaid, fully aware of, and had notice of, the rights and interests of your orators and oratrices, and those under whom they claim. That some of the heirs of said Lambert Beaubien are unknown to your orators and oratrices, and that the number of persons setting up claim to the said premises are so very numerous that it would be entirely impracticable and inconvenient to make them all parties to this suit, but that the defendants in this bill named are selected from the whole number in such a manner as to admit of all the valid defences which can be set up or claimed by any person in possession, and claiming title to any part of said premises. That until within the last few years your orators and oratrices, and those under whom they claim, verily believed and supposed that the said brothers Antoine and Lambert, and their legal representatives, were acting in good faith towards them, but that about the year 1840 they discovered by information, after an examination and inquiry into the facts and circumstances of the case, that the said brothers Antoine and Lambert, and their legal representatives, intended to cheat and defraud your orators and oratrices, and those under whom they claim, of their just rights in the premises, and that the said brothers Antoine and Lambert, and others, the defendants, have been in possession of, and improving portions of, said premises as aforesaid, and have received great benefits from the rents, issues, and profits thereof, and that a considerable portion of said claim is now improved and built upon by persons who profess to hold the same. That to said buildings and improvements put upon the premises your orators and oratrices make no claim, but only to reasonable rents, issues, and profits arising from the lands to which your orators and oratrices are justly entitled; and, further, that neither the said Antoine Beaubien, senior, nor Lambert Beaubien, nor any of the heirs of said Lambert, down to the year 1834, did any open notorious act inconsistent with the rights of your orators and oratrices, and those under whom they claim, nor did they, or either of them, in any way disavow the trust and relation of co-tenant, or the relation of brother, or co-heir, nor did they in any manner assert any title to the said premises to the exclusion of your orators and oratrices, or those under whom they claim. Your orators and oratrices charge that the rights and claims of the heirs and legal representatives of the said John Baptiste Beaubien, the ancestor, were fully recognised and confirmed by the several treaties of peace which were entered into soon after the Revolutionary war by the United States with Great Britain, and also with France. And, further, that no part of the said premises has been held adversely by any of the parties aforesaid, but that the said brothers, Antoine and Lambert, were originally in possession by virtue of and under the original title of said John Baptiste Beaubien, the ancestor, and continued in possession

as co-tenants and co-heirs of the other heirs of said ancestor, and that the heirs of said brothers Antoine and Lambert, and the said pretended donees and purchasers, are only in the same situation, holding under said original title, and not adversely to your orators and oratrices, but as co-tenants, or co-heirs, as aforesaid.

And your orators and oratrices further show that the said property at the time of the death of the said ancestor was worth from five to ten thousand dollars, though at the present time it is worth from half a million to a million of dollars, exclusive of improvements made since the death of said ancestor.

That the defendants hold out and pretend that your orators and oratrices have no right, claim, or interest in said premises, which said pretences are false; and they also claim that there was a certain proceeding in partition had among the said heirs of John Baptiste Beaubien, the ancestor, before a certain notary public in the year 1797, by which the said premises were divided and apportioned; that a certain portion of the heirs were present, and that the interests of those under whom your orators and oratrices claim were represented by some person to your orators and oratrices unknown, and by the said proceeding before said notary were barred and precluded from setting up any further claim to said premises, which said pretences are all false and unfounded, and are set up and pretended with intent to cheat and defraud your orators and oratrices, and the complainants insist that if any such proceeding was had, the defendants be compelled to produce and prove the same.

That said defendants also pretend that the husbands of said Jeanivieve, Catharine, and Susanne (daughters of said ancestor) were present and signed for said daughters; which said pretence is also false. That the said defendants also hold out and pretend that the said Antoine, son of the ancestor, got a title from the United States in consequence of his having occupied and improved the place for twenty-five years next before 1807; which said pretence is also false. They also hold out and pretend that there was a marriage contract between the ancestors, John Baptiste Beaubien and Mariame, his wife, by which she was entitled to one-half of the premises, and that the said Mariame in her widowhood conveyed her rights to the said Antoine and Lambert, two of her sons, and that they, the defendants, hold by, through, and under her, by virtue of such marriage contract. All which said pretences are false, and got up for the purpose of cheating and defrauding your orators and oratrices.

And these complainants insist, that if any such marriage contract shall be relied on by the defendants in any manner in this case, that the same shall be produced and proved; and that if any such marriage contract existed it could not have any such effect as is claimed.

These complainants also deny that the said Mariame made any valid conveyance of any right or interest whatever to said Antoine and said Lambert, or either of them; and they charge that, for about a year previous to her death, which happened in the latter part of 1809, she was weak, insane, above the age of eighty years, under the influence, management, and control of said Antoine and said Lambert, and entirely disqualified from making any deeds, instruments, or other conveyances, even if she had any title to convey.

And your orators and oratrices further charge that they have called upon the defendants to account for the rents, issues, and profits aforesaid, and to pay to these complainants their portion of the same, and have applied to the defendants to consent to a partition of the said lands, but that the defendants refuse to give any account of such rents, issues, and profits, and refuse to pay any part thereof to these complainants, and refuse to consent to a partition of said lands, or of any portion of the same.

All which actings, doings, pretences, and refusals of the defendants are contrary to equity and good conscience, and tend to the manifest wrong, injury, and oppression of your orators and oratrices. To the end, therefore, that they may have relief in the premises, they demand that the said defendants full, true, direct, and perfect answer make (sworn answers are waived) to all and singular the matters and things in this bill contained, as fully and particularly as if they and each of them were distinctly interrogated.

Your orators and oratrices further show that the heirs of said John Baptiste Beaubien, the ancestor, as near as they have been able to ascertain the same, are as follows, to wit:

John Baptiste, a son of the ancestor, moved to the province of Canada before the death of his father, and died there also before the death of his father, leaving a son, John Baptiste Beaubien, a daughter, Jeanivieve, who, when a minor, married one Normanda, with whom she continued to live till his death, in 1839, and Arconge, who married Antoine Buffore—his only heirs. Said Arconge and Antoine are both deceased. They left only two heirs, named Harriet and Toddy. They and the last said John Baptiste and said Jeanivieve Normanda are complainants in this case. The said descendants of said John Babtiste (son) have always resided in said province of Canada, except that the plaintiff, John Baptiste, has lived in Michigan for about four years last past.

Joseph, a son of the ancestor, moved to Monroe county, Michigan, about the year 1810, and lived there till his death, which happened in 1821. He left seven children, his heirs, named Joseph, Antoine, Alexis, Therese, John Baptiste, John Marie, and Mark, of whom Therese, a citizen of this State, and John Baptiste and Mark, citizens of the State of Illinois, still live. The said

Therese cannot be made co-plaintiff without ousting the jurisdiction of this court; and the said John Baptiste and Mark are without the jurisdiction of this court, and cannot be subpœnaed to appear herein, either as plaintiffs or defendants.

Joseph, a son of Joseph, died about the year 1840, leaving a large family of children, whose names and residences are unknown to your orators and oratrices, but they, as your orator and oratrices believe, are all citizens of this State, and cannot be made co-plaintiffs without ousting the jurisdiction of this court.

Antoine, a son of Joseph, died about the year 1826, leaving two children his heirs, Antoine and Mary, (who married Alexis Reopel.) Both are citizens of Michigan, and cannot be made co-plaintiffs without ousting the jurisdiction of this court.

Alexis, a son of Joseph, died about the year 1830, leaving six children his heirs, two of whom died without issue. The names of the other four, who thus became sole heirs of the interest of Alexis, are Susanne, Arconge, Madore, and Joseph. The three former are citizens of this State, and cannot be made co-plaintiffs without ousting the jurisdiction of this court; and the latter, Joseph, is a citizen of the State of Indiana, beyond the jurisdiction of this court, and cannot be subpœnaed to appear herein, either as plaintiff or defendant.

John Marie, a son of Joseph, died about the year 1845, leaving a large family of children his heirs, namely, John Marie, George James, and others, whose names and residences are unknown to your orators and oratrices. All of said heirs of John Marie are, as your orators and oratrices believe, citizens of this State, and cannot be made co-plaintiffs without ousting the jurisdiction of this court.

Susanne, a daughter of the ancestor, married Jacques Campau. She died about the year , and left a son, Jacques, and a daughter, Sophia, (who married one Dubois,) her only heirs, and who are citizens of this State, and cannot be made co-plaintiffs without ousting the jurisdiction of this court. The said Jacques Campau, sen'r, died about the year .

Jeanivieve, a daughter of the ancestor, married when a minor, and prior to the death of her father, one John Baptiste Barthe. She moved to the province of Canada, where she resided from the time of her marriage to that of her death, which happened in 1845. She had a daughter, named Therese, who married one Hubert Vilaire, who died, and she afterwards married one Constant Gothier. This daughter died before her mother, and left three children, heirs of said Jeanivieve. They have always lived in said province of Canada. Their names are John Baptiste Vilaire, Alexis Vilaire, and Dounes Gothier, three of the complainants in this case. Said John Baptiste died about the year .

Antoine, a son of the ancester, died in 1835, leaving an only son Antoine, his heir, one of the defendants hereto.

Lambert, a son of the ancestor, died in 1815, and left fourteen children his heirs, named Baptiste, Charles Louis, Robert, Jacques, Henry, Claire, (who married one Thomas Coquillard,) Marian, (who married one Jacques Cicott,) Adelaide, (who married one Tremble,) Julia, (who married one Baptiste Campau,) Jeanivieve, (who married one Simon Poupard,) Victoire, Veronique, and Lambert, several of whom are defendants in this case, and others of whom have alienated their interests in said lands to several persons, some of whom are made defendants to this bill.

John Marie, a son of the ancestor, died about the year 1837, and left five children his heirs, named Fanny, Pombere, John Baptiste, Therese, and Mary J. Jeunec. Fanny, when a minor, married one Parent, who is now dead; she is a resident of Essex county, in said province of Canada, and a subject of the Queen of Great Britain, and beyond the jurisdiction of this court. Your orators and oratrices pray that if she come within such jurisdiction, that process may issue to make her a party hereto, and have her to elect whether she should be a co-plaintiff or co-defendant.

The said Pombere, John Baptiste, Therese, and Mary J. Jeunec are, as your orator and oratrices believe, citizens of the State of Michigan, and cannot be made co-plaintiffs without ousting the jurisdiction of this court.

Catharine, a daughter of the ancestor, married when she was a minor, and before the death of her father, one Jacques Parent, and from the time of her marriage till her death, which happened in 1833, always lived in said province of Canada. Her husband died after her. She left five children her heirs, Jacques, Antoine, Susanne, Lambert, and Alexis. Jacques and Antoine are parties complainant in this case. Susanne married one Alexis Longlois; she died in 1843, and he shortly afterwards; they left seven children her heirs, named Benjamin, Moses, Grégoire, Alexander, Joel, Tarcede, (who married Ovid Pelete,) and Dosette, and who are parties complainant in this case. Lambert died, and left Catharine and Seelonge his heirs, two of the complainants in this case. Alexis died, and left Eli and Polly his heirs. Polly married one Jules Jounice; they and said Eli are complainants in this case. The descendants of said Catharine Parent neè Beaubien always lived in said province of Canada.

And your orators and oratrices further show, that for a long time after the death of said ancestor the country continued to be what is called a new country; that the administration of justice was tardy and difficult; that in consequence of many of the heirs as aforesaid being aliens, subjects of the Sovereign of Great Britain and Ireland, residents of the province of Canada, and non-

residents of the United States, and in consequence of the newness of the country, of their ignorance of their rights, and of the laws, language, and institutions of the United States, to which the said premises had been recently annexed, and in consequence of many of them being married women, and many of them being minors, and also in consequence of the blind confidence which they placed in the integrity of the said Antoine and said Lambert, (sons of the ancestor,) they forbore to take any steps for the purpose of asserting their rights. And that for a considerable portion of the time from the death of said ancestor to the year 1816, the country was overrun by Indians, and disturbed by Indian wars and wars with the British, and that most of the descendants of said ancestor have been poor and have not possessed the requisite means, capacity, and information to prosecute their rights, even if they had been aware of any infringement of the same.

And your orators and oratrices pray that the said defendants may render a full, true, and perfect account of the rents and profits of said lands received by them and each of them from time to time, that the rights and interests of your orators and oratrices may be judicially declared and established; that partition may be made of said premises among the respective heirs; and that in case it should turn out and prove that any person could, can, or ought to be considered as an innocent purchaser who is in possession, then, and in that case, that he or she who received the purchase money from such person may be decreed to account for the same; and that your orators and oratrices have all such other and further relief as the nature of this case may require and to your honors shall seem meet.

May it please your honors to grant unto your orators and oratrices the most gracious writ of subpœna of the United States of America to be directed to the said Antoine Beaubien, Robert Beaubien, Charles J. Trombley, Jeanivieve Poupard and Simon Poupard her husband, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Reverend Peter Paul Le Fevre, Eben N. Wilcox, and William Fisher, thereby commanding them and every of them, at a certain day, and under a certain pain therein to be specified, personally to be and appear before your honors in this honorable court, and then and there to answer all and singular the premises, and to stand to, perform, and abide such order and decree therein as to your honors shall seem meet, and your orators and oratrices shall ever pray.

(Signed) JAS. B. WETHERELL,
Solicitor and Counsel for Complainants.

Exhibit A.

On the same day, 28th February, the claim of Capt. Antoine Beaubien was taken up, and read in the words following, to wit:

DETROIT, 26*th Dec.*, 1804.

GEO. HOFFINAN, Esq.,
Register K. C.

Please to take notice that I claim title to the following tracts of land: 1 tract of 3 arpents by 40; 1 ditto of 2 ditto by 40; granted by the French government on river Detroit.

For Capt. ANTOINE BEAUBIEN,
PETER AUDRAIN.

Charles Mis. de Beaubarnois, Commandeur de L'ordre Royal et Militaire de St. Louis, Chef des ordres des armees Navalles de sa Majesta Gouverneur et Lieut. Gen. pour le Roi en toute la nouvelle France et Province de la Louisiane.

Gilles Hocquart, Conseiller du Roi en ses conseilles, Intendant de Justice, Police et Finances des dits pays.

Sur ce qui nous a été réprésenté par Jean Baptiste Beaubien demeurant au Détroit du Lac Erié que dans le dessin ou il est de faire un établissement solide au dil lieux. Il nous supplierait de vouloir bien lui accorder une terre de trois arpents de front, sur quarante de profondeur, tenant díen cote a Jean Chapoton et d'autre cote aux terres au dit domaine, sur laquel terre de trois arpents de front le dit Beaubien sur la permission que lui a donne Mr. de Longuille y aura deja fait quelques défrichissements et meme sémés des grainnes ce prénterns a quoi ayant égard. Nous en vertue du pouvoir á nous donné parsa magesté avons donné accordé concedé et donnons accordons et concèdons par ses prèsentes au dit Beaubien c'étandue de terre en question de trois arpents de front sur quarante de profondeur lesquels serant bornés vers l'est-nord-est, par une ligne courante nord-nord-ouest et sud-sud-est, tenant au nommé Jean Bap'te Chapoton, chirurgien due Detroit et vers l'ouest-sud-ouest par une ligne parallele à la premiere joinante aux terres reservès pour le domaine de sa magestè. Par devant au dit Lac Erie et par derrierè au bout des quarrantes arpents de profondeur joignante aux terres concede. Pour en jour par le dit Beaubien ses hoires et ayant cause dès maintenant et a toujeurs aux charges, clauses et conditions à aprés. Savoir que le dit Beaubien ses hoires et ayant cause serant tennes de porter leurs grains moudre au moulin Banal lorsque il y en aura un d'etablie a peine de confiscation des grains et d'amande arbitraire d'y tenir ou faire tenir feu et lieu d'un aus d'aujourd 'huit au plus tard de convrir les desserts des voisons a mesur qu'ils en aurant besoin cultiver la ditte terre y souffeire les chemins qui seront jugé necessaire pour l'utilitè public faire les clotures metoiyennes ainsi qu'il sera réglé

et de payer au receveur du domaine de sa magesté dansce pay ou au commès du dit receveur qui rèsidera au Detroit, un sol de cour pour chaque arpent de front et vingts sols de rente pour chaque vingts arpents en superficiè fesant pour les trois arpents de front sur quarante de profondeur trois sols de cour et sisè livres de rente et en outre trois quand de minot de blèd froman pour les dit trois arpents de front le tout payable par chacun au jours et fète de St. Martin, dont la prèmiere anneé échoira au 11 Novembre, 1746, et continuere d'anneé en anneé les dit cours portant profit de lod et rentes d'èffants et amande avec tout autre droit royaux et seigneuriaux quand le car y échoira suivant la contume de la privotè et Vicomté de Paris sera ce pandant loisible au dit Beaubien de payer les dits six livres de rente et trois sols de coursen pelleterie au prix du Detroit jusqua ce qu'il ait une monaie courente d'établie reservant au noms du roi sur la ditte habitation tout les bois dant sa magesté aura besoin pour la charpente et construction de batiment et fort qu'elle poura etablir par la suite ainsi que la propriètè des mines minieres et miniereaux s'il s'en trouve dans l'etandue de la ditte concession et seront le dit Beaubien ses hoires et ayant cause tenus de faire incessamen alligner mesurer et booner la ditte concession dans tout su largeur et profondeur a ses dépent et d'executer les clauses partè par le present litre et de prendre un brevet de confirmation de sa magesté dans deux ans le tout à peine de nullité des prèsentes en térmoin de quoi nous avous signé ces prèsentes et comtresigné par nos secretaire a i celle apparles cachets de nos armes faite et donné a Quebec le 30 Mai, 1745.

HOCQUART, [L. S.]
Par Monseigneur DESCHESNEAUX.

[L. S.] BEAUHARNOIS,
Par Monseigneur CHANASARD.

Nous Commandant pour le roi au Detroit:

Sur les demandes qui nous ont été faite par le Sieur Beaubien possesseur de la terre comcédé par le contrat ci dessus de lui accorder les continuations de la concession qui lui a été faite de celle qu'il a achettez de Jean Barois. Nous ont egard a ses demandes et en vertue du poivoir que nous avons recus avons sous lèbons plaisir de Mr. Le Gènèral accorde et concedé accordons et concédons au Sieur Beaubien ses hoires et ayant causes les continuation de la ditte terre qu'il possede consistant aujourdhuit rapport a la vente qui lui a faite Jean Marie Barois en cinq arpents de front sur quarante de profondeur et sera l'augmentation que nous lui accordons aujourdhuit de pareille largeur et profondeur sur les meme allignements et aux meme charges condition et servitude porté au 1er litre de concession et de laisser une espace de 36 pieds de larges pour servire de chemin public entre la ditte continuation et la 1er concession et en outre de payer au roi dix livres cinq sols et cinq

quoire de ble'd chaque anneé dont le 1er terme echoira au 11 Novbr., 1759, faite au.

Detroit, le 28 Decembre, 1758.

PIQUOTI DE BELLESTRE.

Charles Mis. de Beauharnois, Commandeur de L'ordre Royal et Militaire de St. Louis, Chef des ordre des armees Navalles de S. M. Gouverneur et Lieut. Gen. pour le Roi en la Nouvelle France, et Provence de la Louisiane.

Gilles Hocquart, Cher. Conseiller du Roi en ses conseilles, Intendant de Justice, Police et Finances dés dits pays.

Sur les demandes qui nous ont été faite par Jean Marie Barois, fils habitant au Detroit du Lac Erie, de lui octroijer et conceder une terre situé sur le bord du Lac Erie, de deux arpents sur quarante de profondeur tenant d'un coté vers O. S. O. a la ban lieux du Fort Ponchartrain, borne par une ligne qui court N. N. O. et S. S. E. et de'autre coté vers E. N. E. a la terre de Jean Baptiste Beaubien, par le devant sur le Detroit du Lac Erie, et dans la profondeur par une ligne E. N. E. et O. S. O. joignant pareillement les terre non concede. Nous en vertue du pouvoir a nous conjointement donne par sa magesté avons donne accorde et concede donnons au ordons et concedons des maintenant et a toujours au dit Jean Marie Barois ses hoires et ayant cause a l'avenir une concession de terre situé sur le Detroit au Lac Erie, de la consenance de deux arpents de front sur quarante de profondeur borne sur les nombs de vent designes ci devant pour en jouir faire et disposer par le dit barons ses hoires et ayant cause aux charges clauses et condition ci apres Savoir que le dil Jean Marie Barons, ses hoires et ayant cause seront tenus de porter leurs grains mondre au moulin canal lars qu'il y en aura un d'établié a peine de confiscation des grains et d'amande arbitraire d'y tenir au faire tenir feu et lieux, dans un ans au plus tard; de coureir les desserts des voisins a mesur qu'il en auront besoin cultiver la ditte terre y souffeire les chemins qui seront jugés. Necessaire pour l'utilité publique; faire les clotures mitoiyennes qu'il sera regli et de payer au receveur du domaine du roi dans ce pay ou au commis du dit Receveur qui Residera au Detroit, un sol de cour pour chaque arpents de front et vingt sols de rente pour chaque vingts arpents en superficié fais aut pour les deux arpents de front sur quarante de profondeur deux sols de cour et quatre livres de rente et en outre un demis minot de ble'd pomand pour les deux arpents de front le tout, payable par chaque anneé au jours et feté de St. Martin dont la 1er anneé écheoira au 11 Nov'bre, 1748, et continuere d'anneé en anneé les dit cour portant profit de lod et rente d'effant et amande avec tout autre droit Royeaux et Seigneurieaux grand le car y echeoira suivant la contume de la prevoté et vicomté de Paris. Seras cependant loisible au dit Barois de payer les dits quatre livres de rente et deux sols de cour en pelleteries

au prix du Detroit jus qu' a ce qu'il y ait une monaie courente d'etablié. Reservant au noms du Roi sur la dite habitian tous les bois dant su magestie aura besoin pour la charpente et construction de batiments et forts qu'elle poura établir par la suite, ainsi que la propriete des mines, minieres el minieraux s'il s'en trouve dans l'étandue de la ditte concession, et seront tenus les dits Jean Marie Barois, ses hoires et ayant causes de faire incessament alligner mesurer et borner la ditte concession dans toute sa largeur et profondeur a ses dipants et d'executer les clauses portes partepresent litre et de prendre un brevet de confirmation de sa mageste dans deux aus a peine de nullité, des presentes fait a Quebec, le 1er Mai, 1747.

HOCQUART, [L. S.]
Par Monseigneur DESCHERNEAUX.

BEAUHARNOIS, [L. S.]
Par Monseigneur BENARD.

Nous commandant pour le Roi au Detroit avons accordé au Jean Beaubien, la contiuation de la terre concede au present litre aux charge enonces au contrat qui lui a été expédie ce jourdhuit, 28 Decembre, 1758.

PIQUOTE DE BELLESTRE.

The commissioners have considered the foregoing claim and the evidence adduced in its support, with the most deliberate yet anxious attention. The two tracts of land therein mentioned appear to have been originally granted by the government and intendante of New France and Louisiana by patent to Jean Bap'e Beaubien, dated 30th May, 1747, to each of which grants are annexed certain conditions, the most material whereof is to the following effect: That the said grantees shall take a brevet of confirmation from his Majesty the King of France within two years, on pain of nullity of the said grantees; the performance of which condition the claimant has not even attempted to prove, neither has a non-compliance been justified by the allegations of any equitable circumstances whatsoever. The commissioners cannot, therefore, consider the forbearance of the French government, to avail itself of this neglect, as a waiver of its right, or as a confirmation of the grantees' title. On the contrary, they imagine that after this expiration of the said two years those lands reverted to the French government, and were impliedly at least transferred to Great Britain by the 4th art. of the Treaty of Paris of the 10th Feb'y, 1763, and to the United States by the definitive treaty of peace between the two latter powers, in the year 1783. In this, as in some other cases, the commissioners do not admit that Mons'er de Bellestre, commandant of the port of Detroit, had the powers of *grant* lands, or continuation of the patents passed by the government and the intendant,

because no testimony has been introduced to prove the fact. There is no evidence before the commissioners that the land has been regularly transferred from the original grantees to the present claim; therefore, upon mature consideration of the matters aforesaid, the commissioners adjudge and determine that the title to these lands resides in the United States.

LAND OFFICE, DETROIT,
December 10th, 1854.

I, Daniel J. Campau, register of the United States land office at Detroit, Mich., do hereby certify that the foregoing is a true copy of the minutes of the proceedings of the board of commissioners held at Detroit, as appears in book or volume (2) two, from page 251 to page 256, commencing in January, 1805.

D. J. CAMPAU,
Register.

Exhibit B.

Charles Marquis of Beauharnois, Commander of the Royal and Military order of St. Louis, Commander of the Navy of his Majesty, Governor and Lieutenant General for the King in all New France, and province of Louisiana.

Gilles Hocquart, King's Counsellor in his councils, Intendant of Justice, Police and Finance for said countries.

Whereas it has been represented to us by John Baptiste Beaubien, dwelling at the Detroit of the Lake Erie, that he intends to make a permanent establishment there, he would ask us to be pleased to accord to him a land of three arpents in front by forty in depth, joining on one side to John Chapoton, and on the other the lands of the domain, upon which land of three arpents in front the said Beaubien, with the permission given him by Mr. de Longuville, has already done some breaking, and even sown some grain this spring: Now, therefore, we, by virtue of the power given us by his Majesty, have granted, accorded and conceded, and by these presents do grant, accord and concede to the said Beaubien, the tract of land in question of three arpents in front by forty in depth, which shall be bounded towards the east-northeast by a line running north-northwest and south-southeast, joining to the said John Chapoton, surgeon at the Detroit, and towards the west-southwest by a line parallel to the first, joining to the lands reserved for the domain of his Majesty fronting on Lake Erie, and at the rear, at the end of said forty arpents in depth, joining the unconceded lands: To have and to hold the same to the said Beaubien, his heirs and assigns forever, on the charges, clauses and conditions following, to wit:

That the said Beaubien, his heirs and assigns, shall be held to carry their corn for grinding to the manorial mill, as soon as one

shall be established there, on pain of confiscation of the grain and an arbitrary fine; to make, or cause some one to make, his residence on the place within a year; to uncover the clearings of the neighbors so far as there shall be need; to cultivate the said land; to suffer such roads through it as shall be adjudged necessary for public utility; to make partition fences as shall be regulated, and to pay to the receiver of his Majesty's domain, or to his deputy who may reside at Detroit, one sol of cour for each arpent in front, and twenty sols of rent for each twenty arpents of superficies, making for the three arpents in front by forty in depth three sols of cour and six livres of rent, and besides that three pecks of wheat for the said three arpents of front, the whole payable annually at the Feast of St. Martin. The first payment will be on the 11th of November, 1746, and will continue year after year—the said cours carrying profits of alienation, fines, and every other royal and manorial right which may arise, following the customs of the provostship and viscounty of Paris. Nevertheless it shall be lawful for the said Beaubien to pay the said six livres of rent and three sols of cours in peltry, at the Detroit prices, until there be current money established, reserving in the name of the King upon the said habitation all the wood of which his Majesty shall have need for the carpentry and construction of buildings and forts that he may hereafter wish to establish; also all mines and minerals that may be discovered in the said tract of concession.

And the said Baubien, his heirs and assigns, shall be held immediately to survey, measure, and mark the boundaries of the said concession in all its length and breadth at his expense, and to execute the conditions expressed in this title, and to take a brevet of confirmation of his Majesty in two years, the whole on pain of nullity of these presents.

In witness whereof we have signed these presents, countersigned by our secretaries, and the seals of our arms affixed. Made and given at Quebec, the 30th of May, 1745.

HOCQUART, [L. S.]
By my Lord DESCHESNEAUX.

BEAUHARNOIS, [L. S.]
By my Lord CHANASARD.

We, commanding for the King at Detroit, upon the demand which has been made of us by M. Beaubien, possessor of the tract of land conceded by the contract here below, to accord to him continuation of the concession that was made to him, and of that he bought of John Barois, we having regard thereto, and by virtue of the power which we have received, have, with the free consent of the general, accorded and conceded, and do accord and concede to the said Beaubien, his heirs and assigns, the continuation of the said land which he possesses, consisting this day, regard being had

to the sale made to him by John Marie Barois, of five arpents in front by forty in depth, and the augmentation which we accord to him to-day shall be of like length and breadth, upon the same courses and at the same charges, conditions, and servitude as the first title of concession, and to leave a space 36 feet wide to serve as a public way between the said continuation and the first concession, and besides to pay to the King ten livres, five sols, and five pecks of wheat each year, and of which the first term will be on the 11th of November, 1759.

Done at Detroit, the 28th of December, 1758.

PIQUOTE DE BELLESTRE.

Charles, Marquis of Beauharnois, Commander of the Royal and Military Order of St. Louis, Commander of his Majesty's Navy, Governor and Lieutenant General for the King in New France and province of Louisiana.

Gilles Hocquart, Baronet, King's Counsellor in his Councils, Intendant of Justice, Police, and Finance for said countries.

Upon the demands which have been made of us by John Marie Barois, jun'r, living at the Detroit of Lake Erie, to grant and concede to him a land situate on the margin of Lake Erie of two arpents by forty in depth, joining on one side towards the west-southwest by the lands of the Fort Ponchartrain, bounded by a line which runs north-northwest and south-southeast, and on the other side by the lands of Jean Baptiste Baubien, fronting on the Detroit of Lake Erie, and at the end by a line east-northeast and west-southwest, parallel and joining the unconceded lands, we, by virtue of the power to us conjointly given by his Majesty, have given, accorded, and conceded, and do give, accord, and concede forever, to the said John Marie Barois, his heirs and assigns, a concession of land situate upon the Detroit of Lake Erie of two arpents in front by forty in depth, bounded by the points of the compass aforesaid, to enjoy and dispose of the same by the said John Marie Barois, his heirs and assigns, subject to the charges, clauses, and conditions following, to wit: that the said John Marie Barois, his heirs and assigns, shall be held to carry their corn for grinding to the manorial mill, as soon as one shall be established, on pain of confiscation of the corn and an arbitrary fine; to make, or cause some one to make, his residence there within a year; to uncover the clearings of the neighbors so far as there shall be need; to cultivate the said land; to suffer such roads as shall be adjudged necessary for the public utility; to make partition fences, as the same shall be regulated, and to pay to receiver of the King's domain in this country, or his deputy who may reside at Detroit, one sol of cour for each arpent of front, and twenty sols of rent for each twenty arpents in superficies, making for the two arpents in front by forty in depth, two sols of cour and forty livres of rent,

and besides one half bushel of wheat for the two arpents in front; the whole payable yearly at the Feast of St. Martin, and of which the first payment will be on the 11th of November, 1748, and continuing year after year, the said cour carrying profits of alienation, fines, and every other royal and manorial right which may arise, following the customs of the provostship and viscounty of Paris; nevertheless it shall be lawful for the said Barois to pay the said four livres of rent and two sols of cour in peltry, at Detroit prices, until there be current money established, reserving, in the name of the King, upon the said habitation all the wood of which his Majesty shall have need for the carpentry and construction of buildings and forts that he may hereafter wish to establish; also all mines and minerals that may be discovered in the said tract of concession; and the said John Marie Barois, his heirs and assigns, shall be held immediately to survey, measure, and mark the boundaries of the said concession, in all its length and breadth, at his expense, and to execute the conditions expressed in this title, and to take a brevet of confirmation from his Majesty within two years, on pain of nullity of these presents.

Done at Quebec, the first of May, 1747.

HOCQUART, [L. S.]
By my Lord DESCHESNEAUX.

BEAUHARNOIS, [L. S.]
By my Lord BENARD.

We, commanding for the King, at Detroit, have accorded to John Beaubien the continuation of the land conceded by this title, subject to the charges set forth in the contract which has been executed to him this 28th of December, 1758.

PIQUOTE DE BELLESTRE.

Exhibit C.

Tuesday, 30 June, 1807.

"No. 2. Antoine Beaubien.—The claim of Antoine Beaubien, which was entered with the late commissioners in full length in the second volume of minutes, page 251, under the date of the 26th December, 1804, was taken into consideration, whereupon Charles St. Bernard was brought forward as a witness in behalf of the claimant, who, being duly sworn, deposed and said, that to his knowledge, the claimant has been in continued possession and occupancy of the said tract of land at least twenty-five years.

"And thereupon it doth appear to the commissioners that the claimant is entitled to the aforesaid tract of land, and that he have a certificate thereof, which certificate shall be No. 2; and that he cause the same to be surveyed and a plat of the survey, with the quantity of land therein contained, to be returned to the register of the land office at Detroit.

"And then the board adjourned to-morrow, at ten o'clock in the forenoon."

American State Papers, (Duff Green's edition,) Public Lands, vol. 1, page 284.

JAS. B. WETHERELL,
Solicitor and of Counsel for Complainants.

Filed January 15, 1855.

JNO. WINDER, *Clerk.*
By GEO. G. BULL, *Deputy.*

Subpœna to Answer.

{Seal of the Cir. Court of the U. S. for Michigan.}

Circuit Court of the United States of America for the seventh circuit and district of Michigan, sitting in chancery.

The President of the United States of America to Antoine Beaubien, Robert Beaubien, Charles J. Tromble, Jeanivieve Poupard and Simon Poupard, her husband, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Reverend Peter Paul Le Fevre, Eben N. Wilcox, and William Fisher, all of whom are citizens of the State of Michigan:

You are hereby commanded to be and appear in the circuit court of the United States of America for the seventh circuit and district of Michigan, sitting in chancery, before the judges thereof, at the district court room, in the city of Detroit, on the first Monday of February next ensuing, then and there to answer unto a bill of complaint exhibited against you as defendants by John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelonge Parent, Benjamin Longlois, Moses Longlois, Gregoire Longlois, Alexander Longlois, Joel Longlois, Tarcede Pelete and Ovid Pelete, her husband, Dosette Longlois, Eli Parent, Polly Jonnice and Julle Jonnice, her husband, John Baptiste Vilaire, Alexander Vilaire, and Downes Gothier, all aliens, subjects of the Queen of Great Britain and Ireland, and all residents of Essex county, province of Canada, excepting the said John Baptiste Beaubien, who resided there until within the last four years, and who now resides in Macomb county, State of Michigan, as complainants.

And this you shall in nowise omit, under the penalty of one thousand dollars.

Witness the Hon. *Robert* B. Taney, Chief Justice of the Supreme Court of the United States, this fifteenth day of January, in the

year of our Lord one thousand eight hundred and fifty-five, and of the independence of the United States the seventy-ninth.

JOHN WINDER, *Clerk.*

Memorandum.

The above named defendants are required to enter their appearance in this suit with the clerk of this court, at his office, in the city of Detroit, on or before the day to which this writ of subpœna is returnable, otherwise the bill of complaint in this cause will be taken pro confesso against said defendants.

JOHN WINDER, *Clerk.*

Marshal's Return to Subpœna.

DISTRICT OF MICHIGAN, *ss.*

On the 23d day of January, A. D. 1855, I served the within-written Eben N. Wilcox, Peter Paul Le Fevre, Joseph Campau, and Antoine Beaubien, by delivering to each of them personally a true copy hereof; on the 24th of said month, on Charles J. Tromble, by copy personally given, and on Thomas Coquillard, senior, by copy left at his residence with his son, Henry Coquillard; and on the 25th of said month, on Jeanivieve Poupard, and Simon Poupard, and Robert Beaubien, by copy personally given; and on the 27th of said month, on Thomas Coquillard, junior, and William Fisher, by copy left at residence of each, and on Theodore Williams, by copy personally given—all of the aforesaid being the defendants within named.

GEO. W. RICE,
U. S. Marshal.
W. A. MOORE,
Deputy.

MARCH 5, 1855.

JOHN BAPTISTE BEAUBIEN and others,
vs.
ANTOINE BEAUBIEN and others.

On motion of G. T. Sheldon, it is ordered that the appearance of Charles J. Tromble, one of the defendants in the above cause, be, and the same is hereby, entered. On like motion it is further ordered that the complainants, or their solicitor, furnish the said defendant Tromble, or his solicitor, the said G. T. Sheldon, with a copy of the bill of complaint filed in this cause, within the time prescribed by the rules and practice of this court, or that said bill be dismissed.

(By order of)

G. T. SHELDON,
Sol'r for Tromble.

MARCH 5, 1855.

JOHN BAPTISTE BEAUBIEN and others,
vs.
ANTOINE BEAUBIEN and others.

On motion of Emmons & Jones, and G. T. Sheldon, solicitors for defendants, Antoine Beaubien, Robert Beaubien, Jeanivieve Poupard, and Simon Poupard, her husband, Thos. Coquillard, junior, Thomas Coquillard, sen'r, widower of Clara Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, and Joseph Campau—

It is ordered that the appearance of said last named defendants be, and the same is hereby, entered in the above cause, and that said complainants, or their solicitor, furnish the said defendants, or their solicitor, with a copy of the bill of complaint within the time prescribed by the rules and practice of this court, or that said bill be dismissed.

(Entered by order of)

G. T. SHELDON,
Sol'r for said Defendants.

MARCH 7, 1855.

JOHN BAPTISTE BEAUBIEN and others,
vs.
ANTOINE BEAUBIEN and others.
In Chancery.

The defendants, the Right Reverened Peter Paul Le Fevre, and Theodore Williams, by Alexander D. Fraser, their solicitor, come and enter their appearance in this cause, and on motion it is ordered that the complainants' solicitor serve a copy of the bill of complaint on said defendants' solicitor within twenty days from the time of serving this order, agreeably to the rules and practice of this court.

A. D. FRASER,
Solicitor for said Defendants.

Demurrer of Charles J. Trombly and others.

The Circuit Court of the United States for the district of Michigan.—In equity.

The demurrer of Charles J. Tromble, Robert Beaubien, Jeanivieve Poupard, Simon Poupard, her husband, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, widower of Claire Coquillard, deceased, and guardian of James Coquillard and Henry Coquillard, minors, her children, and Joseph Campau, to the bill of complaint of John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelonge Parent, Benjamin Langlois, Moses Langlois, Gregoire Langlois, Alexander Langlois, Joel Langlois, Tarcede Pelete, and Ovid Pelete, her husband, Dosette Langlois, Eli Parent, Polly Jonnice, and Jule Jon-

nice, her husband, John Baptiste Vilaire, Alexander Vilaire, and Dounes Gothier, against these defendants, and Antoine Beaubien, Theodore Williams, and the Right Reverend Peter Paul Le Fevre, Eben N. Wilcox, and William Fisher.

These defendants, by protestation not confessing or acknowledging all or any of the matters and things in the said complainants' bill to be true in such manner and form as the same are therein set forth and alleged, doth demur thereto, and for cause of demurrer showeth that the said complainants hath not in and by their said bill made or stated such a case as doth or ought to entitle them to any such discovery or relief as is thereby sought and prayed for from or against these defendants; wherefore these defendants demand the judgment of this honorable court whether they shall be compelled to make any further or other answer to the said bill of complaint, or any of the matters therein contained, and pray to be hence dismissed with their reasonable costs in this behalf sustained.

G. T. SHELDON,
Sol'r for Def'ts.

STATE OF MICHIGAN,
County of Wayne, ss.

Charles J. Tromble, defendant, being duly sworn, says that he files the above demurrer for good and sufficient reasons, as he believes, and that the same is not interposed for delay of the said suit.

C. J. TROMBLY.

Sworn and subscribed to before me this 1st May, 1855.
SEARS STEEVENS,
Notary Public Wayne Co., Mich.

DISTRICT OF MICHIGAN, *ss.*

I, G. T. Sheldon, counsellor in the United States court for the district of Michigan, hereby certify that the above and foregoing demurrer is well founded in point of law, as he verily believes.

G. T. SHELDON,
Sol'r for Def'ts.

Filed May 1st, 1855.

JNO. WINDER, *Clerk.*
By GEO. G. BULL, *Deputy.*

Stipulation to extend time to plead.

The Circuit Court of the United States for the district of Michigan.

JOHN BAPTISTE BEAUBIEN et al.
vs.
ANTOINE BEAUBIEN et al.
} In Equity.

It is hereby stipulated and agreed that the time to plead or an-

swer by the s'd defendants in the above cause shall be, and is hereby, extended for the period of ten days from the date hereof.

JAS. B. WETHERELL,
Sol'r for Compl'ts.

Filed 8 May, 1855.

JNO. WINDER, *Clerk.*
By GEO. G. BULL, *Dep'y.*

Detroit, May 7, 1855.

Plea of Theodore Williams, R. Rev. P. P. Le Fevre, and Antoine Beaubien.

The Circuit Court of the United States for the district of Michgan—
In chancery.

The joint plea of Theodore Williams and the Right Reverend Peter Paul Le Fevre, and Antoine Beaubien, defendants, to the bill of complaint of John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelonge Parent, Benjamin Longlois, Moses Longlois, Gregoire Longlois, Alexander Longlois, Joel Longlois, Tarcede Pelete and Ovid Pelete, her husband, Dosette Longlois, Eli Parent, Polly Jonnice and Jule Jonnice, her husband, John Baptiste Vilaire, Alexander Vilaire and Dounes Gothier, against these defendants, and Charles T. Tromble, Robert Beaubien, Jeanivieve Poupard, Simon Poupard, her husband, Thomas Coquillard, junior, Thomas Coquillard, senior, widower of Claire Coquillard, deceased, and guardian of Jas. Coquillard and Henry Coquillard, minors, her children, and Joseph Campau.

These defendants, by protestation, not confessing all or any of the matters and things in the said complainants' said bill to be true, in such manner and form as the same are therein stated and alleged, doth plead and say, that on the twelfth day of June, in the year of our Lord on thousand eight hundred and twelve, by patent deed, under seal of that date, signed and executed by the President of the United States, James Madison, the said government of the United States granted to Antoine Beaubien, the father of this defendant, Antoine Beaubien—to have and to hold to him and his heirs and assigns forever—a certain tract of land, containing three hundred and twenty-six acres and eighty-three hundredths acres, situate on the border of the river Detroit, bounded and described as follows, to wit: "Beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Elijah Brush, esquire; thence north twenty-nine degrees west, two hundred thirty chains sixty links, to a post; thence north sixty-one degrees east, fourteen chains fifty-five links, to a post, the southwest corner of a tract confirmed to Charles Moran; thence south twenty-nine degrees east, two hundred thirty-two chains fifty-one

links, to a post, standing on the border of Detroit river; thence along the border of said river south sixty-eight degrees west, fourteen chains sixty-five links to the place of beginning." That the said above described land and premises is the same as referred to and mentioned in the said bill of complaint.

That the said Antoine Beaubien, father of this defendant, Antoine Beaubien, on the first day of November, in the year of our Lord one thousand eight hundred and nineteen, by deed of that date, under his hand and seal, quit-claimed and deeded to the widow and heirs of his deceased brother, Lambert Beaubien, the southwest half of the said three hundred and thirty-six $\frac{83}{100}$ths acres of land; to have and to hold to them and their respective heirs and assigns forever. That the said Antoine, the father of this defendant, Antoine, retained possession of the other half of said land and premises under said patent deed, and afterwards died, leaving this defendant, Antoine, his only heir, and as such he entered into possession, and from time to time thereafter laid out and platted the same into lots, as the city of Detroit became established and extended; and from time to time donated a portion of said lots and premises to other persons, and religious and benevolent societies, and deeded the same; and from time to time sold to other persons and parties portions of said lots, land and premises; and the said widow and heirs of said Lambert Beaubien, after the deed of said Antoine to them, entered into possession of the other half of said land and premises, and procured the same, to be laid out into lots and divisions by metes and bounds, and afterwards procured or caused to be made a partition of said land and premises between them; and a large portion of said lots, land and premises has since been sold and conveyed by the respective heirs of said Lambert Beaubien to third persons and parties, and a large number of persons are now, and were at the time of the filing of the bill of complaint, in possession of distinct portions and parts of said land and premises, and claim title thereto as against the said complainants and all other persons whatever claiming by and through the said Antoine, and the widow and heirs of said Lambert.

That the persons hereinafter named so claim title thereto, and are all residents of the county of Wayne, State of Michigan, and most of them reside in the city of Detroit, and occupy portions of said land and premises, and did so reside in said city and occupy said land at the time of, and long before, the filing of the bill of complaint, and are generally known to the citizens of Detroit. That the names of such persons and description thereof are as follows, and they are not made parties to said bill of complaint, to wit: T. K. Adams, H. H. Armstrong, Luther Beecher, Wm. Burnell, Ephraim Brown, Israel J. Beniteau, M. W. Berchard, Alexander Chapoton, Eustach Chapoton, Captain Francis Cicotte, Frank

X. Cicotte, E. V. Cicotte, Henry P. Bridge, Alex'r Lewis, James H. Cook, James Carpenter, the persons composing the Congregational church, George Doty, Peter Desnoyers, James O. Graves, George Driggs, the Detroit Novelty Works, James Eagle and R. R. Elliott, composing the firm of Eagle & Elliott, Dennis Flattery, David W. Fisk, the heirs of John George, Henry A. Giese, Chauncy Hulburt, Richard H. Hall, Joseph Hack, Henry Miller, Madam Aloisa Hardy, Alexander H. Newould, D. S. Osburn, Charles Peltier, the President, Directors & Co. of the Pontiac railroad, the heirs of William Raymond, deceased, Francis Raymond, James Sherlock, J. B. Schmittdiel, David Smart, Augustus Valiere, Mrs. John Thompson, the heirs of John R. Williams, Deveraux, James, John, and Mrs. David Smart, John Weitzel, Charles Lappan, William Walker, James Rillen, Albert Crane and Wm. B. Wessen, composing the firm of Crane & Wessen, Thomas Chase, Dominique Latour, John B. Cordon, James Shearer, Peter Hesse, Louis Renzie, James Abbot, Flavius Abbot, Charles Campau, Henry Campau, Patrick Tregent, Francis Crawford, Bela Hubbard, William Paton, Frederick Fauke, Thomas Armstrong, John Copeland, William Gooding, Mrs. Penny, Francis Pepin, James Stewart, W. Schweim, W. Way Roff, Jared C. Warner, Dr. J. C. Gordon, Conrad Gies, Christopher Hartmyer, Jonathan L. King, Dr. P. Klein, Edward Lyon, Ed. N. Lacroix, Francis Palms, Dr. J. B. Scovel, Edward Trowbridge, Benjamin L. Webb, widow and heirs of J. B. Vallee, J. W. Tillman, John Bloynk, Isaac Finehart, the heirs of Charles Desnoyers, Robert E. Roberts, A. Chope, Fred. Seitz, Mrs. Victorie Cole, Peter Dixon, W. R. Edwards, James Gallagher, Ed. Gallagher, Augustus Palms, Mr. Elliott, Mrs. Dr. Henry, John George's brother, Lewis Campau, Wm. Fish, Mrs. Joseph Hill, Benjamin Chapoton, Joseph Lewis' wife, Neal Flattery and brother, R. H. Lavender, Louis Neveux, Fran. Priggeman, Ferdinand Feifer, Lacroix, Craig and brother, G. B. Ensworth, Thomas Early, Charles Gobeille, David French, P. Maitz, George Miller, G. W. Lewis, Mrs. G. A. Roberts, Leonard Richter, F. Marsted, Andrew Rooner, C. O. Garrison, M. P. Christian, John Orth, James Myers, Thomas Myers, Thomas Trombly.

And these defendants further say that a portion of the heirs of Lambert Beaubien, not made parties to the bill of complaint, reside in the county of Wayne and State of Michigan, and did so reside when the bill of complaint was filed, and for a long time previous, and they claim parts and portions of said land and premises. That the names of said heirs are as follows, to wit: Henry Beaubien, James Beaubien, Louis Beaubien, Charles Beaubien, Mary Ann Beaubien, Cicotte, wife of James Cicotte, who are the children of said Lambert Beaubien, deceased, to whose widow and heirs said part of said land was deeded; and Mrs. Louis Campau,

Richard Beaubien and Mrs. Clement Lafferty, who are the children of John Baptiste Beaubien, deceased, who was the son of said Lambert Beaubien, deceased; and Mrs. Catherine Meldrum, wife of John T. Meldrum, and her brother John B. Campau, children and heirs of Julia, the daughter of Lambert Beaubien, who married John Bt. Campau, and Charles Beaubien, George Beaubien, and Lambert and Charles and Henry Beaubien, who are the children of Lambert Beaubien, jr., the son of Lambert Beaubien, the senior, deceased.

All which matters and things these defendants do aver and plead to said bill of complaint, and humbly pray that the said persons may be made parties to said bill, and crave judgment whether they shall make any further answer to said bill of complaint.

ANTO. BEAUBIEN,
THEODORE WILLIAMS,
PETER PAUL LE FEVRE.

G. T. SHELDON, *Sol. for s'd Def'ts.*

STATE OF MICHIGAN,
County of Wayne, ss.

Antoine Beaubien, being duly sworn, says he has heard read the foregoing plea, and knows the contents thereof, and that the same is true in substance and in fact.

ANTOINE BEAUBIEN.

Sworn and subscribed before me, this 15th day of May, A. D. 1855.

CLARENCE E. ERBELER,
Notary Public, Wayne Co., Mich.

Filed May 15, 1855.

JOHN WINDER, *Clerk.*
By GEO. G. BULL, *Deputy.*

Order for change of Solicitors.

Circuit Court of the United States for the district of Michigan.

JOHN B. BEAUBIEN et al.
vs.
ANTOINE BEAUBIEN,
CHARLES J. TROMBLE et al.
} In Equity.

Upon consent of J. B. Wetherell, former solicitor of record for complainants, and his withdrawal, it is hereby ordered, that A. B. Maynard and E. F. Mead be, and are hereby, substituted as solicitors for complainants.

Filed and entered in open court, Aug. 6, 1855.

JOHN WINDER, *Clerk.*

Stipulation for sustaining Demurrer.

The Circuit Court of the United States for the district of Michigan.

JOHN BT. BEAUBIEN, Compl't,
vs.
ANTOINE BEAUBIEN,
CHARLES J. TROMBLE et al., Defendants.
} In Chancery.

It is hereby stipulated by and between the respective solicitors of the parties, complainant and defendants, that the demurrer and the plea interposed on behalf of the defendants in this cause be, and is hereby, sustained; and the complainant shall have leave to amend his bill of complaint, by adding all such persons parties defendant to said bill of complaint as he may be advised. And also, that if any parties, so added and brought in, shall die during the pendency of the suit, the death may be suggested on the record and the representatives brought in, or complainant may discontinue as to such parties deceased, and the suit proceed. If any such parties, females, marry during pendency of suit, the suit may proceed as if unmarried. Copy of amended bill to be served.

A. B. MAYNARD & E. F. MEAD,
Sol'rs for Complainants.
G. T. SHELDON, *Sol. for Def'ts.*

Detroit, July 4th, 1855.

Filed in open court Aug. 7, 1855.

JNO. WINDER, *Clerk.*

Order for sustaining Demurrer.

The Circuit Court of the United States for the district of Michigan.

JOHN BAPTISTE BEAUBIEN
vs.
ANTOINE BEAUBIEN,
CHARLES J. TROMBLY et al., Def'ts.

On filing stipulation of the respective solicitors for complainants and defendants, A. B. Maynard and E. F. Mead for complainants, and G. T. Sheldon for defendants, it is hereby ordered, that the demurrer of the defendants and the plea of other defendants be, and are hereby, sustained, and the complainants have leave to amend their bill of complaint by adding additional parties, as they may be advised, in accordance with said stipulation.

A. B. MAYNARD & E. F. MEAD,
Sol'rs for Complainants.
G. T. SHELDON, *Sol. for Defendants.*

Filed and entered 7th Aug., 1855.

Amended Bill.

In the Circuit Court of the United States, for the district of Michigan.

JOHN BAPTISTE BEAUBIEN et al., Complainants,
vs.
ANTOINE BEAUBIEN et al., Defendants.

Amendment to Bill.

And now come the complainants, and amend their bill filed in this case by adding thereto the following named defendants, to wit:

Thomas K. Adams, Thomas H. Armstrong, Luther Beecher, William Burnell, Ephraim Brown, Israel J. Beniteau, Matthew W. Birchard, Alexander Chapoton, Eustach Chapoton, Captain Francis Cicotte, Frank H. Cicotte, Edward V. Cicotte, Henry P. Bridge, Alexander Lewis, James H. Cook, James Carpenter, George Doty, Peter Desnoyer, James O. Graves, George Driggs, James Eagle and Richard R. Elliott, composing the firm of Eagle & Elliott; Dennis Flattery, David W. Fisk, Henry A. Geisse, Chauncy Hurlburt, Richard H. Hall, Joseph Heack, Henry Miller, Madam Aloisa Hardy, Alexander H. Newbould, David S. Osborn, Charles Peltier, the President, Directors, and Company of the Detroit and Pontiac Railroad Company, now known by the name of the Detroit and Milwaukie Railway Company, Francis Raymond, James Sherlock, John B. Schmittdiel, David Smart and Mrs. David Smart, wife of said David Smart; Augustus Vallier Devereaux, James and John Williams, John Weitzel, Charles Lappan, William Walker, James Kibbee, Albert Crane and William B. Wesson, composing the firm of Crane & Wesson; Thomas Chase, Dominique Latour, John B. Condor, James Shearer, Peter Hesse, Louis Kenfier, James Abbott, Flavius Abbott, Charles Campau, Henry Campau, Patrick Tregent, Francis Crawford, Bela Hubbard, William Paton, Frederick Fauke, Thomas Armstrong, John Copeland, William Gooding, Francis Pepin, James Stewart, Conrad Gies, Christopher Hartinger, Jared C. Warner, Jonathan L. King, Edward Lyon, Edward N. La Croix, Francis Palmer, Doctor John B. Scoville, Edward Trowbridge, Benjamin L. Webb, James W. Tillman, John Bloynk, Isaac Finehart, Robert E. Roberts, Frederick Seitz, Peter Dixon, William R. Edwards, James Gallager, Edward Gallager, Augustus Paulus, Louis Campau, William Fish, Benjamin Chapoton, Neal Flattery, Louis Neveaux, Fran. Biggeman, Ferdinand Fiefer, George B. Ensworth, Charles Gobelle, David French, George Miller, Leonard Richter, Andrew Hooner, Moses P. Christian, James Myers, Thomas Myers, Thomas Trombly, and a portion of the heirs of Lambert Beaubien, now residing in the county of Wayne and State of Michigan, to wit: Henry Beaubien, Charles Beaubien, Mary Ann Beaubien, Cicotte, wife of

James Cicotte, who are the children of said Lambert Beaubien, deceased; and said James Cicotte, of Detroit, in said county of Wayne, husband of said Mary Ann Beaubien; Cicotte and Richard Beaubien, son of John Baptiste Beaubien, deceased, who was son of said Lambert Beaubien, deceased, and Louis Campau, of said county of Wayne, and his wife Mrs. Louis Campau, daughter of said John Baptiste Beaubien, and Clement Lafferty, of said county of Wayne, and his wife Mrs. Clement Lafferty, daughter of said John Baptiste Beaubien, and John S. Meldrum, of Detroit, in said county of Wayne, and his wife Catherine Meldrum, and John B. Campau; the said Catherine and John being heirs and children of Julia, the daughter of Lambert Beaubien, who married John B. N. Campau; and Charles Beaubien, George Beaubien and Lambert Beaubien, who are the children of Lambert Beaubien, jun'r, the son of Lambert Beaubien, the sen'r, deceased.

And the complainants further show and represent, that the names of these several persons have been made known to the complainants since the filing of their bill, as being the names of persons who set up claims to portions of the said premises. That these said persons do set up, claim, and pretend to have rights in the said premises; and that said persons are, and were, from the commencement of their said claims and pretensions, fully aware of, and had notice of, the rights and interests of the complainants in and to said lands, and of those under whom complainants claim.

May it please your honors to grant unto your orators and oratrices the most gracious writ of subpœna of the United States of America, to be directed to the said several persons named in this amendment to the original bill of these complainants, filed in this case, thereby commanding them, and every of them, at a certain day and under a certain pain therein to be specified, personally to be and appear before your honors in this honorable court, and then and there to answer all and singular the matters and things in the bill alleged and in this amendment thereto alleged, and to stand to, perform and abide such order and decree therein as to your honors shall seem meet.

And your orators and oratrices pray that they have the same relief against these several new defendants as is prayed for in their bill against the others, and that these new defendants be in all respects treated as if their names had been set forth as defendants in the original bill. And your orators and oratrices will ever pray.

MAYNARD & MEAD,
Solicitors for Complainants.

Filed in clerk's office January 23, 1856.
JOHN WINDER, *Clerk.*

Subpœna.

Circuit court of the United States of America for the seventh circuit and district of Michigan, sitting in chancery.

The President of the United States of America to Thomas K. Adams, Henry H. Armstrong, Luther Beecher, William Burnell, Ephraim Brown, Israel J. Beniteau, Matthew W. Birchard, Alexander Chapoton, Eustach Chapoton, Capt. Francis Cicotte, Frank H. Cicotte, Edward V. Cicotte, Henry P. Bridge, Alexander Lewis, James H. Cook, James Carpenter, George Doty, Peter Desnoyer, James A. Graves, George Driggs, James Eagle and Richard R. Elliott, composing the firm of Eagle & Elliott, Dennis Flattery, David W. Fisk, Henry A. Giese, Chauncy Hurlbut, Richard H. Hall, Joseph Heack, Henry Miller, Madam Aloisa Hardy, Alexander H. Newbould, David S. Osborn, Charles Peltier, the President, Directors, and Company of the Detroit and Pontiac Railway Company, now known by the name of the Detroit and Milwaukie Railway Company, Francis Raymond, James Sherlock, John B. Schmittdiel, Mrs. David Smart, Augustus Vallier, Devereaux, James and John Williams, John Weitzel, Charles Lappan, William Walker, James Kibbee, Albert Crane and William B. Wesson, composing the firm of Crane & Wesson, Thomas Chase, Dominique Latour, John B. Condor, James Shearer, Peter Hesse, Louis Kinfier, James Abbott, Flavius Abbott, Charles Campau, Henry Campau, Patrick Tregent, Francis Crawford, Bela Hubbard, William Paton, Frederick Fauke, Thomas Armstrong, John Copeland, William Gooding, Francis Pepin, James Stewart, Conrad Gies, Christopher Hartinger, Jared C. Warner, Jonathan L. King, Edward Lyon, Edward N. La Croix, Francis Palmer, Doctor John B. Scoville, Edward Trowbridge, Benjamin L. Webb, James W. Tillman, John Bloynk, Isaac Finehart, Robert E. Roberts, Frederick Seitz, Peter Dixon, William R. Edwards, James Gallagher, Edward Gallagher, Augustus Paulus, Louis Campau, William Fisk, Benjamin Chapoton, Neal Flattery, Louis Neveaux, Fran. Briggeman, Ferdinand Fiefer, George B. Ensworth, Charles Gobelle, David French, George Miller, Leonard Richter, Andrew Hooner, Moses P. Christian, James Myers, Thomas Myers, Thomas Trombly, Henry Beaubien, Charles Beaubien, Mary Ann Beaubien Cicotte, and James Cicotte, her husband, Richard Beaubien, Mrs. Louis Campau, and Louis Campau, her husband, Mrs. Clement Lafferty, and Clement Lafferty, her husband, Catharine Meldrum, and John T. Meldrum, her husband, John B. Campau, Charles Beaubien, George Beaubien, and Lambert Beaubien, all of whom are citizens of the State of Michigan.

You are hereby commanded to be and appear in the circuit court of the United States of America for the seventh circuit and district

of Michigan, sitting in chancery, before the judges thereof, at the district court room in the city of Detroit, on the first Monday of March next ensuing, then and there to answer unto a bill of complaint, and an amendment to said bill of complaint exhibited against you and Antoine Beaubien, Robert Beaubien, Charles J. Tromble, Jeanevieve Poupard, and Simon Poupard, her husband, Thomas Coquillard, jun., Thomas Coquillard, sen., widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Reverend Peter Paul Le Fevre, Eben N. Wilcox, and William Fisher, all of whom are citizens of the State of Michigan, as defendants, by John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelonge Parent, Benjamin Langlois, Moses Langlois, Gregoire Langlois, Alexander Langlois, Joel Langlois, Tarcede Pelete, and Ovid Pelete, her husband, Dosette Langlois, Eli Parent, Polly Jonnice, and Jule Jonnice, her husband, John Baptiste Vilaire, Alexander Vilaire, and Dounes Gothier, all aliens, subjects of the Queen of Great Britain and Ireland, and all residents of Essex county, province of Canada, excepting the said John Baptiste Beaubien, who resided there until within the last four years, and who now resides in Macomb county, State of Michigan, as complainants.

And this you, and each of you, shall in nowise omit, under the penalty of one thousand dollars.

Witness the Honorable Roger B. Taney, Chief Justice of the Supreme Court of the United States, this twenty-eighth day of January, in the year of our Lord one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

JNO. WINDER, *Clerk.*

Memorandum.

The above-named defendants are required to enter their appearance in this suit with the clerk of this court, at his office, in the city of Detroit, on or before the day to which this writ of subpœna is returnable, otherwise the bill of complaint in this cause will be taken pro confesso against said defendants.

JNO. WINDER, *Clerk.*

Marshal's Return of service of Subpœna.

DISTRICT OF MICHIGAN, *ss.*

I do hereby certify and return, that on the 15th day of February, A. D. 1856, I served the within writ on Thomas K. Adams, Luther Beecher, William Burnell, George Doty, James Eagle and Richard R. Elliott, comprising the firm of Eagle & Elliott; Neal Flattery, Richard H. Hall, the President, Directors, and Company of the Detroit and Pontiac Railroad Company, now known by the

name of the Detroit and Milwaukie Railway Company, by serving on C. C. Trowbridge, secretary thereof; Francis Raymond, James Williams, Mrs. Louis Campau, Albert Crane and William B. Wesson, comprising the firm of Crane & Wesson, Jared C. Warner, Jonathan L. King, James W. Tillman, Eustache Chapoton, and Frederick Seitz; that on the 16th day of February, in the same year, I served the within writ on Leonard Richter, Charles Campau, John Bloynk, Augustus Paulus, and Charles Beaubien; that on the eighteenth day of February, in the same year, I served the within writ on Antoine Beaubien and William Paton; that on the 19th day of February aforesaid, I served the within writ on Henry Campau, Francis Crawford, John B. Schmittdiel, George B. Ensworth, Charles J. Trombley, Mrs. Catharine Meldrum, Henry A. Gies, Devereaux Williams, John Williams, and Moses P. Christian; that on the 20th day of February aforesaid, I served the within writ on George Beaubien, Lambert Beaubien, and Henry Beaubien; and that on the first day of March, in the same year, I served the within writ on Mary Ann Beaubien Cicotte, by delivering to each of the above-named defendants personally, on the days named above, respectively, a true copy hereof, with like memorandum thereto appended as is appended hereto.

And I do further certify and return, that on the 15th day of February aforesaid, I served the within writ on Ephraim Brown, Matthew W. Birchard, Alexander Chapoton, Edward V. Cicotte, Henry P. Bridge, James A. Graves, Charles Peltier, James Sherlock, Mrs. David Smart, William Walker, Thomas Chase, Patrick Tregent, Bela Hubbard, William Gooding, Robert E. Roberts, Peter Dixon, Edward Gallager, Louis Campau, Benjamin Chapoton, Eben N. Wilcox, R't Rev'd Peter Paul Le Fevre, and Theodore Williams; on the 16th day of February aforesaid, on Israel J. Beniteu, Chauncy Hurlbut, Alexander Lewis, James Shearer, Edward Trowbridge, David French, Doctor John B. Scoville, Henry Miller, Isaac Finehart, John B. Campau, John Weitzel, Francis Palmer, Edward Lyon, Charles Lappan; and on the 18th day of February aforesaid, on Joseph Campau, Robert Beaubien, Frank H. Cicotte, Thomas Coquillard, junior, and Thomas Coquillard, senior, widower of Clara Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Peter Desnoyer, Edward N. La Croix; on the 19th of February aforesaid, on George Miller, Joseph Heack, John T. Meldrum, Jeanivieve Poupard and Simon Poupard, her husband; on the 20th day of February aforesaid, on John Copeland, Richard Beaubien, Charles Beaubien, Mrs. Clement Lafferty and Clement Lafferty, her husband—by leaving at each of their residences, on the above-named days, respectively, a true copy hereof, with like memorandum thereto appended as is appended hereto; and that, by the direction of the solicitors for the complainants, I re-

turn the within writ unexecuted as to the remaining defendants within named.

GEO. W. RICE,
U. Marshal.
P'r JAS. K. COOK, *Dep.*

Order for entering Appearance of Defendants.

Circuit Court of the United States for the district of Michigan.

JOHN BAPTISTE BEAUBIEN, JEANIVIEVE NORMANDA, and others, Complainants,
vs.
ANTOINE BEAUBIEN, ROBERT BEAUBIEN, and others, Defendants.
} In Chancery.

On motion of James V. Campbell, solicitor for the following-named defendants, to wit: Richard H. Hall, Henry P. Bridge, Peter Dixon, James Gallagher, Edward Gallagher, Chauncy Hurlbut, Albert Crane, Will'm B. Wesson, The Detroit and Milwaukie Railway Company, Alexander Chapoton, Eustache Chapoton, Alexander Lewis, James Shearer, Thomas Chase, Henry Miller, James O. Graves, Francis Raymond, Francis Crawford, Jonathan L. King, George Doty, John B. Condor, Edward Trowbridge. Dennis Flattery, Neal Flattery, Benj'n Chapoton, Edward Lyon, William Walker, Luther Beecher, James Eagle, Richard R. Elliott, James Sherlock, Israel J. Beniteau, John Copeland, Charles Lappan, Francis Palmer, Augustus Vallier, Moses P. Christian, Edward Cicotte, Rob't E. Roberts, James W. Tillman, Benjamin L. Webb, Joseph Heack, William Burnell, Frederick Seitz, Henry A. Giese, Peter Hesse, John B. Scoville, it is ordered that their appearance be, and the same is hereby, entered, and that complainants serve a copy of the bill of complaint in this cause on the said defendants within twenty days.

Dated May 5, 1856.

JAMES V. CAMPBELL,
Sol'r for Def'ts aforesaid.

Filed and entered May 5, 1856.

JNO. WINDER, *Clerk.*

Order for entering Appearance of other Defendants.

MAY 9th, 1856.

JOHN BAPTISTE BEAUBIEN et al.
vs.
ANTOINE BEAUBIEN et al.

On motion of G. T. Sheldon, solicitor for the following named defendants to the amended bill of complaint filed in the above entitled cause, the appearance of the said defendants is hereby en-

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tered: Henry P. Bridge, Alexander Lewis, Richard H. Hall, Alexander Chapoton, James Shearer, Thomas Chase, Henry Miller, James O. Graves, Francis Raymond, John L. King, Joseph B. Conder, Samuel Sykes, George Doty, Eustache Chapoton, Edward A. Trowbridge, Chauncy Hurlbut, Dennis Flattery, Benjamin Chapoton, Edward Lyon, William Walker, George T. Seilbiss, Luther Beecher, James Eagle, Richard R. Elliott, James Sherlock, Israel J. Beniteau, Andrew Wilkie, John Copeland, Charles Lappan, Francis Palms, J. B. Ruthin, Augustus Bellair, Moses M. Christian, John B. Scoville, Edward Cicotte, Robert E. Roberts, James W. Tillman, James Gallagher, George Fowler, Benjamin L. Webb, Joseph Hawley, William Young, William Burnell, Henry A. Grisse, Peter Hesse.

On further motion, it is ordered that the complainants serve a copy of the amended bill of complaint upon the said defendants' solicitor within twenty days after notice of this order.

(Signed) G. T. SHELDON,
Sol'r for Def'ts.

Order for entering Appearance of other Defendants.

MAY 9th, 1856.

JOHN BAPTISTE BEAUBIEN et al.
vs.
ANTOINE BEAUBIEN et al.

On motion of G. T. Sheldon, solicitor, it is ordered that the appearance of the following named defendants to the amended bill of complaint in the above entitled cause be and is hereby entered: Madam Aloisa Hardy, Devereaux Williams, James Williams, John Williams, John T. Meldrum, Catherine Meldrum, John B. Campau, Charles Beaubien, Mrs. Lewis Campau, and Lewis Campau her husband, Francis Cicotte, Richard Beaubien, Francis H. Cicotte, Charles Peltier, Bela Hubbard, Mrs. Clement Lafferty and Clement Lafferty, Edward N. Lacroix, Mary Ann B. Cicotte, and James Cicotte her husband, Peter Desnoyer, Antoine Beaubien, Robert Beaubien, Charles J. Tromble, Jeanivieve Poupard, and Simon Poupard her husband, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, widower of Claire Coquillard, deceased, and guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, and Rt. Reverend Peter Paul Le Fevre.

On further motion it is ordered that the complainants serve a copy of the bill of complaint upon the defendants' solicitor within twenty days after notice of this order.

G. T. SHELDON,
Sol'r for s'd Def'ts.

Stipulation as to Pleas of Defendants.

The Circuit Court of the United States for the district of Michigan.

JOHN BAPTISTE BEAUBIEN et al., Complainants,
vs.
ANTOINE BEAUBIEN et al., Defendants. } In Chancery.

It is hereby stipulated that the pleas of the defendants to be filed in the above suit may be sworn and qualified before G. T. Sheldon, United States commissioner, without exception that he is the solicitor for defendants. Also, that no exception as to form of the pleas of some of the defendants who are claimed to be bona fide purchasers shall be taken, provided some of the defendants of the same class shall file formal pleas, it being proposed, to save labor and writing, to file for some of the defendants, affidavits of the facts, showing such defendants bona fide purchasers without notice.

BURT & MAYNARD,
Sol'rs for Compl'ts.

Filed in open court March 2d, 1857.

JNO. WINDER, *Clerk.*

Demurrer of Antoine Beaubien and others.

The Circuit Court of the United States for the district of Michigan.
In Chancery.

The demurrer of Antoine Beaubien, Robert Beaubien, Charles J. Trombly, Jeanivieve Poupard, and Simon Poupard, Thomas Coquillard, junior, Thomas Coquillard, sen'r, and as guardian of James Coquillard and Henry Coquillard, minors, and children of Clara Coquillard, deceased, Joseph Campau, Theodore Williams, and Right Rev'd Peter Paul Le Fevre, Madam Aloisa Hardy, John T. Meldrum and Catherine Meldrum, John B. Campau, Charles Beaubien, Louis Campau, and Mrs. Louis Campau, his wife, Richard Beaubien, Mrs. Clement Lafferty, and Clement Lafferty, Mary Ann Cicotte, and James Cicotte her husband, James Williams, Devereaux Williams, and John Williams, Mrs. David Smart, Francis A. Cicotte, Charles Peltier, Bela Hubbard, and Peter Desnoyer, impleaded with others, defendants to the amended bill of complaint of John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Scelonge Parent, Benjamin Langlois, and others, complainants.

These defendants, by protestation, not confessing or acknowledging all or any of the matters and things in the said complainants' bill to be true, in such manner and form as the same are therein set forth and alleged, doth demur thereto, and showeth that the said complainants have not in and by their said bill made and stated such a case as doth or ought to entitle them to any such

discovery or relief as is thereby sought and prayed for from or against these defendants. Wherefore these defendants demand the judgment of this honorable court whether they shall be compelled to make any further or other answer to the said bill, or any of the matters and things therein contained, and pray hence to be dismissed with their reasonable costs in this behalf sustained.

G. T. SHELDON,
Solicitor for Defendants.

H. W. EMMONS,
A. D. FRASER,
Of Counsel.

DISTRICT OF MICHIGAN, *ss.*

G. T. Sheldon, counsellor in the United States court for the district of Michigan, hereby certify that the above and foregoing demurrer is well founded in point of law, as he verily believes.

G. T. SHELDON,
Of Counsel.

Filed in open court March 2, 1857.

JNO. WINDER, *Clerk.*

Plea of Henry P. Bridge, Alex'r Lewis, Richard H. Hall, Alexander Chapoton, and others, Defendants.

The Circuit Court of the United States for the district of Michigan.—In Chancery.

The joint plea of Henry P. Bridge and Alexander Lewis, and the joint and several plea of Richard H. Hall and Alexander Chapoton, four of the defendants, to the amended bill of complaint of John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Antoine Parent, Jacques Parent, Seelonge Parent, and Benjamin Longlois, Alexander Longlois, Joel Longlois, Tarcide Pelete, Ovid Pelete, her husband, Dosette Longlois, Eli Parent, Polly Jonnice, and Jule Jonnice, her husband, John Baptiste Vilaire, Alexander Vilaire, and Doremes Gothier, against Antoine Beaubien, Robert Beaubien, Charles J. Trombley, Jeanivieve Poupard, and Simon Poupard, her husband, Thomas Coquillard, junior, and Thomas Coquillard, sen'r, widower of Clara Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Rev'd Peter Paule Le Fevre, Eben N. Wilcox, and William Fisher; and these defendants and Thomas K. Adams, Henry H. Armstrong, Luther Beecher, William Burnell, Ephraim Brown, Israel J. Beniteau, M. W. Birchard, Eustache Chapoton, Capt'n Francis Cicotte, Frank X. Cicotte, Edward V. Cicotte, James H. Cook, James Carpenter, George Doty, Peter Desnoyer, James A. Graves, George Driggs, James Eagle and Richard R. Elliott, comprising

the firm of Eagle & Elliott, Dennis Flattery, David W. Fiske, Henry A. Giese, Chancy Hurlbut, Joseph Heack, Henry Miller, Madame Aliosa Hardy, Alexander H. Newbold, David S. Osborn, Charles Peltier, the President, Directors, and Company of the Detroit and Pontiac Railroad Company, now known by the name of the Detroit and Milwaukie Railway Company, Francis Raymond, James Sherlock, John B. Schmittdiel, Mrs. David Smart, Augustus Vallier, Devereaux, James and John Williams, John Weitzel, Charles Lappan, William Walker, James Kibbee, Albert Crane and William B. Wesson, comprising the firm of Crane & Wesson, Thomas Chase, Dominique Latour, John B. Condor, James Shearer, Peter Hesse, Louis Kenfier, Flavius Abbott, James Abbott, Charles Campau, Henry Campau, Patrick Tregent, Francis Crawford, Bela Hubbard, William Paton, Frederick Fauke, Thomas Armstrong, John Copeland, William Gooding, Francis Pepin, James Stewart, Conrad Gies, Christopher Hartinger, Jared C. Warner, Jonathan L. King, Edward Lyon, Edward N. La Croix, Francis Palms, Doctor John B. Scoville, Edward Trowbridge, Benjamin L. Webb, James W. Tillman, John Bloynk, Isaac Finehart, Robert E. Roberts, Frederick Seitz, Peter Dixon, Wm. R. Edwards, James Gallager, Edward Gallager, Augustus Paulus, Louis Campau, William Fisk, Benjamin Chapoton, Neal Flattery, Louis Nevereaux, Fran. Briggeman, Ferdinand Feifer, George B. Ensworth, Charles Gobelle, David French, George Miller, Leonard Richter, Andrew Hooner, Moses P. Christian, James Myers, Thomas Myers, Thomas Trombley, Henry Beaubien, Charles Beaubien, Mary Ann Beaubien Cicotte, and James Cicotte, her husband, Richard Beaubien, Mrs. Louis Campau and her husband, Louis Campau, Mrs. Clement Lafferty and Clement Lafferty, her husband, Catherine Meldrum and John T. Meldrum, her husband, John B. Campau, Charles Beaubien, George Beaubien, and Lambert Beaubien.

These defendants by protestation not confessing all or any of the matters and things in the s'd complainants' bill to be true in such manner and form as the same are therein stated and alleged, as to all the relief prayed for against these defendants, and the charges and allegations in said bill of complaint that these defendants, with numerous others, claim to have rights and interests in the lands and premises mentioned in said bill of complaint as heirs, donees, and purchasers, and that the said persons so claiming are and were from the commencement of their said claim, and at the time of said donations and purchases, fully aware of, and had notice of the rights and interests of the complainants, and those under whom they claim, these defendants do plead in bar, and say that on the twelfth day of June, in the year of our Lord one thousand eight hundred and twelve, by patent deed, under seal of that date, signed and executed by the then President of the United States, James

Madison, the government of the United States granted to Antoine Beaubien, the father of Antoine Beaubien, one of the defendants in said bill of complaint, to have and to hold to him and his heirs and assigns forever a certain tract of land, containing three hundred and twenty-six acres and eighty-three hundredths acres, situate on the border of the river Detroit, bounded and described as follows:

Beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Elijah Brush, esquire; thence north twenty-nine degrees west, two hundred thirty chains sixty links, to a post; thence north sixty-one degrees east, fourteen chains fifty-five links to a post, the southwest corner of a tract confirmed to Charles Moran; thence south twenty-nine degrees east, two hundred thirty-two chains fifty-one links to a post standing on the border of Detroit river; thence along the border of said river south sixty-eight degrees west, fourteen chains sixty-five links, to the place of beginning.

That the above described land and premises is the same as referred to and mentioned in the said bill of complaint as the Antoine Beaubien and Lambert Beaubien farms, in the city of Detroit, State of Michigan. That the said Antoine Beaubien, the father of the defendant Antoine Beaubien, on the first day of November, in the year of our Lord one thousand eight hundred and nineteen, by deed of that date, in consideration of his love and affection, and for their maintenance and support, and other good and legal causes, under his hand and seal, granted and quitclaimed by deed of that date, duly witnessed and acknowledged according to law, to the widow and heirs of his deceased brother, Lambert Beaubien, their heirs and assigns, the southwest half of the said three hundred and thirty-six $\frac{83}{100}$ acres of land, to have and to hold to them and their respective heirs and assigns forever said land and premises. That the said land and premises, so deeded by said Antoine Beaubien to his brother Lambert's widow and heirs, is the same as is now known as the Lambert Beaubien farm, and the same as mentioned and referred to in the bill of complaint. That the said Antoine Beaubien, senior, retained possession of and claimed title under the said government grant to the other half of said land and premises now known as the Antoine Baubien farm, and afterwards, in the year eighteen hundred and thirty-five, departed this life, leaving the defendant, Antoine Beaubien, sole heir to his property and estate. That the s'd Antoine Beaubien, jun'r, then entered into possession of and claimed title, and was seized of the remaining half of said land and premises known as the Antoine Beaubien farm, of which his father died seized and possessed, and the widow and heirs of Lambert Beaubien, deceased, entered into possession of and claimed title to, and were seized of the said land and premises so deeded to them by said Antoine Beaubien, senior, known as the Lambert Beaubien farm; and the said Antoine Beaubien, jun'r,

and the widow and heirs of said Lambert, as the population of the city of Detroit increased, and the said land and premises were brought into the limits of the said city, afterwards caused the said Antoine and Lambert Beaubien farms to be surveyed and laid out into lots and parcels, and caused the same to be numbered and platted; and thus the said Antoine Beaubien, as to all the city lots and parcels of land upon his farm, and the said widow and heirs of Lambert Beaubien, as to all the city lots and parcels of land on the Lambert Baubien farm, became the common sources of title through whom, either by deed directly from them, or by intermediate and consecutive deeds originating from them, these defendants and numerous persons and parties respectively now hold and own different lots and portions of said farms by purchase or otherwise.

And these defendants, Bridge and Lewis, further plead and say, that, through the aforesaid common sources of title, they now claim to own in fee simple, and to be seized and possessed, of all the following pieces and parcels of land on the Antoine Beaubien farm, to wit:

Lot number one (1), two (2) and (3) on the west side of St. Antoine street, on the Antoine Beaubien farm, in the city of Detroit; also lot number (7) on the north side of Congress street, on the Antoine Beaubien farm, in the city of Detroit; also lot number two (2) on the north side of Congress street, on the Antoine Beaubien farm, in the city of Detroit.

And these defendants, Bridge and Lewis, further say, that the above is all the lots, land and premises they claim to own and be seized of upon the aforesaid farm; that, through the said Antoine Beaubien, junior, by consecutive deeds originating from him by purchase for a valuable consideration, George L. Harrison became the grantee of the first above described lot and premises, and Charles W. Whipple, for a valuable consideration, became the purchaser and grantee of the second above described lot, land and premises, and George Wand, Mary A. Patterson, for a valuable consideration, became the purchaser and grantees of the lot and premises thirdly above described.

And these defendants, Bridge and Lewis, on the 20th day of May, eighteen hundred and fifty-two, purchased of said George L. Harrison, who was seized and in possession thereof, the lot and premises firstly above described, and paid therefor the sum of thirteen hundred dollars, and assigned to him a claim of twenty-five hundred dollars, which was worth in cash twelve hundred dollars, and so estimated, and the said George L. Harrison, by his attorney, H. H. Wells, duly authorized and appointed by deed of that date, duly witnessed and acknowledged, and for and in consideration of the sum of twenty-five hundred dollars aforesaid, the receipt whereof is thereby acknowledged, sold, granted and conveyed to

these defendants, Bridge and Lewis, the lot and premises firstly above described.

And these defendants, Bridge and Lewis, on the 20th day of April, eighteen hundred and fifty-five, purchased of said Charles W. Whipple, who was seized and in possession thereof, the lot and premises secondly above described, and paid therefor the sum of two thousand dollars; and the said Charles W. Whipple, by deed of that date, duly witnessed and acknowledged, and for and in consideration of the sum of money last above mentioned, the receipt whereof is thereby acknowledged, sold, granted and conveyed to these defendants, Bridge and Lewis, the lot and premises secondly above described.

And these defendants, Bridge and Lewis, on the 6th day of January, eighteen hundred and fifty-three, purchased of said George W. and Mary A. Patterson, who were seized and in possession thereof, the lot and premises thirdly above described, and paid therefor the sum of eight hundred dollars; and the said George W. and Mary A. Patterson, by deed of that date, duly witnessed and acknowledged, and for and in consideration of the sum of money last above mentioned, the receipt whereof is thereby acknowledged, sold, granted and conveyed to these defendants, Bridge and Lewis, the lot and premises thirdly above described.

And this defendant, Richard H. Hall, further pleads and says, that, through the aforesaid common sources of title, he now claims to own in fee simple, and to be seized and possessed, of all the following pieces and parcels of land, to wit: Lot sixty-nine (69) on the south side of Larned street, on the Lambert Beaubien farm, in the city of Detroit; also lot sixty-seven (67) on the south side of Larned street, on the Lambert Beaubien farm, in the city of Detroit; also lot fifty-seven (57) on Jefferson avenue, on the Lambert Beaubien farm, in the city of Detroit; also lot fifty-eight (58) on Jefferson avenue, on the Lambert Beaubien farm, in the city of Detroit. And this defendant says, that the above is all the lots and land and premises that he claims to own and be seized of upon the aforesaid farms. And this defendant, Richard H. Hall, further says, that, through the said widow and heirs of Lambert Beaubien, by consecutive deeds originating from them or some of them, by purchase for a valuable consideration, Charles Moran became the grantee of the first of the last above described land and premises, and William Sowersby, for a valuable consideration, became the purchaser and grantee of the second of the last above described land and premises, and Israel Coe became, for a valuable consideration, the purchaser and grantee of the third of the last above described land and premises, and Thomas Coquillard and Clara Coquillard, his wife, became the grantees of the fourth of the last above described lots and premises. And this defendant, on the fourth day

of April, eighteen hundred and fifty-one, purchased of Charles Moran, who was seized and in possession thereof, the first lot and premises lastly above described, and paid therefor the sum of nine hundred dollars; and the said Charles Moran, by deed of that date, duly witnessed and acknowledged according to law, and for and in consideration of the sum of money aforesaid, the receipt whereof is thereby acknowledged, sold, granted and conveyed to this defendant, Richard H. Hall, the first lot and premises lastly above described.

And this defendant, Richard H. Hall, on the 4th day ofSeptember, eighteen hundred and fifty-one, purchased of William Sowersby, who was seized and possessed thereof, the second lot and premises lastly above described, and paid therefor the sum of two thousand dollars; and the said William Sowersby, by deed of that date, duly witnessed and acknowledged according to law, and for and in consideration aforesaid, the receipt whereof is thereby acknowledged, sold, granted and conveyed to this defendant, Richard H. Hall, the second of the last above described lots and premises.

And this defendant, Richard H. Hall, on the day of , eighteen hundred and forty eight, purchased of said Israel Coe, who was seized and possessed thereof, the third of the last above described lots and premises, and paid therefor the sum of sixteen hundred dollars; and the said Israel Coe, by deed of that date duly witnessed and acknowledged according to law, and for and in consideration aforesaid, the receipt whereof is thereby acknowledged, sold, granted, and conveyed to this defendant, Richard H. Hall, the third of the last above described lots and premises.

And this defendant, Richard H. Hall, on the twentieth day of April, eighteen hundred and forty-six, purchased of Thomas Coquillard, and Clara Coquillard, his wife, who were seized and possessed thereof, the fourth of the last above described lots, and paid therefor the sum of eleven hundred dollars; and the said Thomas Coquillard, and Clara Coquillard, his wife, by deed of that date duly witnessed and acknowledged according to law, and for and in consideration of the sum of money last aforesaid, the receipt whereof is thereby acknowledged, sold, granted, and conveyed to this defendant, Richard H. Hall, the fourth of the last above described lots and premises.

And this defendant, Alexander Chapoton, further pleads and says, that through the aforesaid common sources of title he now claims to own in fee simple, and to be seized and possessed of all the following pieces and parcels of land, to wit:

Lot eighty-seven (87), north side of Congress street, on the Lambert Beaubien farm, in the city of Detroit; also lot ninety-one (91), on the north side of Congress street, on the Lambert Beaubien farm, in the city of Detroit.

Also lot ninety-two (92), on the north side of Congress street, on the Lambert Beaubien farm, in the city of Detroit.

And this defendant says, that the above is all the lots, land and premises that he claims to own and be seized of upon the aforesaid farms. And this defendant, Chapoton, further says, that through the s'd widow and heirs of Lambert Beaubien, by consecutive deeds originating from them by purchase for a valuable consideration, John R. Williams became the grantee of the first of the last above described lots, land and premises, and the Farmers and Mechanics' Bank of Detroit, for a valuable consideration, became the purchaser and grantee of the second of the last above described lots and premises, and John B. Vallee became the grantee of the third of the last above described lots and premises.

And this defendant, on the tenth day of October, eighteen hundred and forty-two, purchased of said John R. Williams, who was seized and possessed thereof, the first lot and premises lastly above described, and paid therefor the sum of five hundred and twenty-five dollars; and the said John R. Williams, by deed of that date duly witnessed and acknowledged according to law, and for and in consideration of the sum of money aforesaid, the receipt whereof is thereby acknowledged, sold, granted and conveyed to this defendant, Alexander Chapoton, the first lot and premises lastly above described.

And this defendant, Chapoton, on the seventeenth day of April, eighteen hundred and fifty-one, purchased of said Farmers and Mechanics' Bank, who was seized and possessed thereof, the second lot and premises lastly above described, and paid therefor the sum of two thousand seven hundred and fifty dollars; and the s'd Farmers and Mechanics' Bank, by deed of that date duly witnessed and acknowledged according to law, and for and in consideration of the sum of money aforesaid, the receipt whereof is thereby acknowledged, sold, granted and conveyed to this defendant, Chapoton, the second of the last above described lots and premises.

And this defendant, Chapoton, on the twenty-fourth day of March, eighteen hundred and fifty-one, purchased of John B. Vallee, who was seized and possessed thereof, the third of the last above described lots and premises, and paid therefor the sum of nine hundred dollars; and the said John B. Vallee by his guardian, Eliza Vallee, duly authorized and appointed by law, by deed of that date, duly witnessed and acknowledged according to law, and for and in consideration aforesaid, the receipt whereof is thereby acknowledged, sold, granted, and conveyed to this defendant, Alexander Chapoton, the third of the last above described lots and premises.

And these defendants further say, that they paid the several and respective sums of money aforesaid to the several and respective persons, their respective grantees aforesaid, for said lots so owned by them respectively, and received their deeds of said lots, respectively, from them, before they, or either of them, had any notice whatever

that the complainants had any claim or pretended to claim any interest or right in said land and premises above mentioned, upon which said lots and parcels of land, so purchased by them, are situated; and they aver and say, that they had no notice of any claim, or pretended claim, of the complainants to said land and premises, until the service of subpœna upon them in this suit, and they therefore plead and rely upon their plea in bar of the complainants' bill of complaint, that they are bona fide purchasers of the lots, land, and premises above described respectively, as owned by them respectively, without notice of the complainants' claim thereto, or pretended claim, and as such are protected by law in their titles to and possession of their lots and lands respectively; and they pray that it may be pronounced and adjudged by this honorable court, whether they shall be compelled to make any further or other answer to said bill of complaint, and pray hence to be dismissed with their reasonable costs and charges unjustly sustained.

ALEXANDER LEWIS,
HENRY P. BRIDGE,
ALEXANDER CHAPOTON,
RIC'D H. HALL.

DISTRICT OF MICHIGAN, STATE OF MICHIGAN,
Wayne County, ss.

On this thirtieth day of December, eighteen hundred and fifty-six, came personally before me Henry P. Bridge, Alex'r Lewis, Richard H. Hall and Alexander Chapton, and being duly sworn, say that they have heard read the foregoing plea by them subscribed, and know the contents thereof, and that the matters and things therein stated are true in substance and in fact.

GARWOOD T. SHELDON,
Mas'r and U. S. Comm'r in Chancery,
United States Court.

Filed in open court March 2d, 1857.

JNO. WINDER, *Clerk.*

Pleas of certain Defendants—Third Purchasers.

The Circuit Court of the United States for the district of Michigan.—In Chancery.

The plea of the defendants hereafter subscribing jointly and severally to the bill of complaint in the suit in said court, wherein John Baptiste Beaubien is complainant, and others, against Antoine Beaubien, these defendants and others, defendants.

These defendants, by protestation, not confessing all or any of the matters and things in the said complainants' said bill to be

true, plead in bar, and say, that on the twelfth day of June, one thousand eight hundred and twelve, the government of the United States issued a patent to Antoine Beaubien, the father of Antoine Beaubien, the defendant, granting to him, and his heirs and assigns, all of the land in the city of Detroit, Michigan, known as the Antoine Beaubien and Lambert Beaubien farms.

That on the first day of November, one thousand eight hundred and nineteen, Antoine Beaubien, senior, by deed of that date, conveyed to the widow and heirs of Lambert Beaubien the southwest half of the lands so patented to him, known as the Lambert Beaubien farm; that the said farms are the same as referred to in the bill of complaint; that in the year of our Lord one thousand eight hundred and thirty-five, Antoine Beaubien, senior, died, leaving Antoine Beaubien, defendant, his sole heir, when the said Antoine Beaubien, defendant, and the said widow and heirs of said Lambert Beaubien entered into possession, respectively, of said farms and became seized thereof in fee simple; that through this common source of title these defendants, through consecutive deeds and grantees, (the said farms having been laid out into lots and numbered and platted,) became the grantees respectively of a portion of said farms by purchase of their grantors, respectively, according to number, street and locality, as platted, surveyed, and laid out; that they, respectively, paid to their grantors, respectively, a valuable consideration therefor, amounting to hundreds of dollars, to wit, the full value of the land so purchased at the time of their purchase; that they, respectively, paid the consideration and received their deeds, respectively, of the portions of said farms so purchased of their grantors, before they had any notice whatever that the complainants claimed any right or interest in said land and premises, and had no notice of the complainants' claim until the service of subpœna in this suit; that they, and each of them, respectively, are bona fide purchasers of such portions of said farms claimed by them, respectively, for a valuable consideration, without notice of any claim of right or interest of the complainants, or either of them, therein; that their respective grantors were seized and possessed of such portions of said land as these defendants so, respectively, purchased at the time that they, respectively, so purchased and received their deeds therefor.

And these defendants rely upon the aforesaid facts as a bar of the complainants' action, and they say, that if compelled to make a formal answer, they, respectively, will file a plea in due form, upon oath, and allege the aforesaid facts, the same in form and substance, in respect to their own titles, respectively, as the plea of their co-defendants, Bridge, Lewis, Hall, and Chapoton, but respectfully ask that the foregoing may be received in lieu of a more formal plea, and that it may be adjudged by this honorable

court whether they shall be compelled to make any further or other answer to said bill of complaint, and pray hence to be dismissed, &c.

Francis Cicotte,
Eben N. Willcox,
James Shearer,
John Copland,
J. B. Trover,
his
Edward ⋈ Gallager,
mark
his
James ⋈ Gallager,
mark
Andrew Wilkie,
Charles Lappan,
James Abbott,
John B. Condon,
Francis Palms,
E. N. La Croix,
Luther Beecher,
Joseph Heack,
Edward Lyon,
Thomas Chase,
Will'm Burnell,
A. H. Geisse,
J. W. Tillman,
Edward V. Cicotte,
Neil Flattery,
Denis Flattery,
Francis Crawford,
J. L. King,
James O. Graves,
Francis Raymond,
George Doty,
Henry Miller,
William Walker,
E. Trowbridge,
J. J. Beniteau,
C. Hurlbut,
Benj'n L. Webb,
his
A. ⋈ Valliere,
mark
Witnessed by A. Valliere.
Robert E. Roberts,
James Sherlock,
M. P. Christian,
B. Baker,
S. Sykes,
his
Eustache ⋈ Chapoton,
mark
Witnessed by Alex'r Chapoton.
George Fowler,
Benjamin Chapoton,
James E. Eagle,
Mrs. Frances Elliott,
By R. R. Elliott.
Rich'd R. Elliott,
Frederick Seitz.

DISTRICT OF MICHIGAN,
County of Wayne, ss.

On this thirteenth day of December, in the year of our Lord one thousand eight hundred and fifty-six, came personally before me the subscribers to the foregoing plea, and being respectively sworn, said they, respectively, had heard read the foregoing plea by them subscribed, and knew the contents thereof, and that the same is true in substance and in fact.

GARWOOD T. SHELDON,
Master and Commissioner in Chancery,
United States Court.

Filed in open court March 2d, 1857.

JNO. WINDER, *Clerk.*

Stipulation as to Plea of Theodore Williams and Peter Paul Le Fevre.

The Circuit Court of the United States for the district of Michigan.

BEAUBIEN et al.
vs.
LE FEVRE and others.

Whereas the name of Theodore Williams and the Right Rev'd Peter Paul Le Fevre were by accident omitted from those who in this cause filed a plea of bona fide purchasers, and they desire to be included among them, it is stipulated that they be permitted to file such plea nunc pro tunc, and that the same decree be entered as to them as in favor of the other defendants who have filed such pleas, they, if they elect, adding their names to the general informal pleas now on file. If any portion of the property on the premises in dispute has not been so bought, it will be omitted in the plea.

BURT & MAYNARD,
Sol's for Complainants.

Filed April 14, 1857.

JNO WINDER, *Clerk.*
By G. G. BULL, *Deputy.*

Plea of Defendants Peter Paul Le Fevre and Theodore Williams.

The Circuit Court of the United States for the district of Michigan.—In Chancery.

The plea of the Right Reverend Peter Paul Le Fevre and Theodore Williams, two of the defendants, to the bill of complaint of John Baptiste Beaubien, Jeanivieve Normanda, Harriet Buffore, Antoine Parent, Jacques Parent, Seelonge Parent, Benjamin Longlois, Alexander Longlois, Joel Longlois, Forcille Pellette, and Ovid Pellette, her husband, Dorsette Longlois, Eli Parent, Polly Jonnice, and Jule Jonnice, her husband, John Baptiste Villaire, Alexander Villaire, and Doremus Gothier, against the defendant, Antoine Beaubien, and others defendants.

These defendants, by protestation, not confessing all or any of the matters and things in the said complainants' said bill to be true, in such manner and form as the same are therein stated and alleged, as to all the relief prayed for against these defendants and the charges and allegations in said bill of complaint; that these defendants, with numerous others, claim to have rights and interests in the lands and premises mentioned in said bill of complaint, as heirs, donees, and purchasers; and that the said persons so claiming are and were from the commencement of their said claim, and at the time of said donations and purchases, fully aware of and had notice of the rights and interests of the complainants and

those under whom they claim, these defendants do plead in bar, and say that they are purchasers for a valuable consideration without notice of any claim, right or title of the complainants to the lands and premises mentioned in the bill of complaint. And this defendant, Peter Paul Le Fevre and Theodore Williams, do plead in bar, and say, that on the twelfth day of June, in the year of our Lord one thousand eight hundred and twelve, by patent and under seal of that date, signed and executed by the President of the United States, James Madison, the said government of the United States granted to Antoine Beaubien, the father of Antoine Beaubien, one of the defendants in said bill of complaint, to have and to hold to him and his heirs and assigns forever, a certain tract of land containing three hundred and twenty-six acres and eighty-three hundredths acres, situate on the border of the river Detroit, bounded and described as follows:

"Beginning at a post standing on the border of Detroit river, between this tract and a tract confirmed to Elijah Brush, esquire; thence north twenty-nine degrees west, two hundred thirty chains sixty links, to a post; thence north sixty-one degrees east, fourteen chains fifty-five links, to a post, the southwest corner of a tract confirmed to Charles Moran; thence south twenty-nine degrees east, two hundred thirty-two chains fifty-one links, to a post standing on the border of Detroit river; thence along the border of said river south sixty-eight degrees west, fourteen chains sixty-five links, to the place of beginning." That the above described land and premises are the same as referred to and mentioned in the said bill of complaint, as the Antoine Beaubien and Lambert Beaubien farms, in the city of Detroit, State of Michigan. That the said Antoine Beaubien, the father of the defendant Antoine Beaubien, on the first day of November, in the year of our Lord one thousand eight hundred and nineteen, by deed of that date, in consideration of his love and affection, and for their maintenance and support, and other good causes, under his hand and seal granted and quitclaimed to the widow and heirs of his deceased brother, Lambert Beaubien, their heirs and assigns, the southwest half of the said three hundred and thirty-six $\frac{83}{100}$ acres of land, to have and to hold to them and their respective heirs and assigns forever. That the said land and premises so deeded by said Antoine to his brother Lambert's widow and heirs is the same as is now known as the Lambert Beaubien farm, and the same as mentioned and referred to in the bill of complaint. That the said Antoine Beaubien, senior, retained possession of and claimed title, under the said government grant, to the other half of said land and premises, now known as the Antoine Beaubien farm, and afterwards, in the year eighteen hundred and thirty-five, departed this life, leaving the defendant, Antoine Beaubien, sole and only heir to his property and estate. That the said defendant, Antoine Beaubien, jr., then entered into

possession of and claimed title, and was seized of the remaining half of said land and premises of which his father died seized and possessed, and the widow and heirs of Lambert Beaubien, deceased, entered into possession of and claimed title to and were seized of the said land and premises so deeded to them by said Antoine Beaubien, senior, known as the Lambert Beaubien farm. And the said Antoine Beaubien, and the widow and heirs of said Lambert, as the population of the city of Detroit increased, and the said lands and premises were brought into the limits of the said city, afterwards caused the said Antoine and Lambert Beaubien farms to be surveyed and laid out into lots and parcels, and caused the same to be numbered, and mapped and platted, and thus the said Antoine Beaubien, as to all the city lots and parcels of land upon his farm, and the said widow and heirs of Lambert Beaubien, as to all the city lots and parcels of land in the Lambert Beaubien farm, became the common sources of title through whom, either by deed directly from them, or by intermediate and consecutive deeds originating from them, these defendants, and numerous others, and parties respectively, now hold and own different lots and portions of said farms by purchase or otherwise.

And this defendant, Bishop Paul Le Fevre, further pleads and says, that through the aforesaid common sources of title, he now claims to own in fee simple, and be seized and possessed of all the following pieces and parcels of land, to wit:

1st. Those two certain lots of land, lying and being on the north side of Jefferson avenue, in the city of Detroit, in the State of Michigan, bounded as follows, to wit: Beginning at a post standing on the southeast corner of a lot number three, north of said avenue, now or lately belonging to the Episcopal society; thence along the line of said lot north twenty-six degrees west, two hundred feet, to Larned street; thence north sixty degrees east, fifty feet; thence south twenty-six degrees east, two hundred feet, to Jefferson avenue; thence south sixty degrees east, along said avenue to the place of beginning, being lot number two on the north side of Jefferson avenue aforesaid, and lot number two on the south side of Larned street, as per plat of part of the farm of Antoine Beaubien, sen'r, drawn by John Mullett, and recorded in the county registry for the county of Wayne, State of Michigan.

2dly. All those certain lots or parcels of land sold and conveyed to Joseph W. Towey by Antoine Beaubien, jun'r, being part of the Antoine Beaubien farm, and known and designated upon the map or plat of said farm drawn by John Mullett, surveyor, as lots number three and four on the north side of Jefferson avenue, and lots three and four on the south side of Larned street.

3dly. Also all that certain piece and lot of land situate in the

city of Detroit aforesaid, and bounded as follows, viz: Lot number four (4) on the north side of Larned street, on the Antoine Beaubien farm, bounded northerly by St. Antoine street, being fifty feet front on Larned street, and one hundred and thirty feet deep on St. Antoine street, containing six thousand five hundred square feet of land, more or less.

That through the s'd Antoine Beaubien, jr., by consecutive deeds originating from him by purchase for a valuable consideration, Richard Lugdam and Alexander Revan became the grantees of the first described lot, land and premises, and Joseph W. Towey, for a valuable consideration, became the purchaser and grantee of the second of the above described land and premises, and Henry Dwight, for a valuable consideration, became the purchaser and grantee of the lot and premises thirdly above described.

And this defendant, Bishop Paul Le Fevre, says that on the third day of July, A. D. 1843, he purchased of said Laydam & Revan the lots and premises firstly above described, and paid therefor the sum of fifteen hundred dollars, and the said Laydam & Revan, by deed of that date duly witnessed and acknowledged, and for and in consideration of the sum of money aforesaid, sold, granted and conveyed to this defendant, Peter Paul Le Fevre, the lot and premises firstly above described.

And this defendant, Peter Paul Le Fevre, on the twenty-sixth day of March, A. D. eighteen hundred and fifty-one, purchased of Joseph W. Towsey the lot and premises secondly above described, and paid therefor the sum of three thousand five hundred dollars, and the said Joseph W. Towey, by deed duly witnessed and acknowledged, in consideration aforesaid, conveyed to this defendant the said lands and premises secondly above described.

And this defendant, Peter Paul Le Fevre, on the 26th day of March, 1851, purchased of the said Henry Dwight the lot and premises thirdly above described, and paid therefor the sum of three thousand dollars, and the said Henry Dwight, and Randall S. Rice, who held a legal or beneficial interest therein by deed of that date, in consideration aforesaid, duly witnessed and acknowledged, conveyed and quitclaimed the said last mentioned lands and premises to this defendant.

And this defendant, Peter Paul Le Fevre, further says that he paid the several and respective sums of money aforesaid to the several and respective persons, his grantees aforesaid, for said lots aforesaid, and received the deeds thereof before he had any notice whatever that the complainants had any claim to, or pretended to claim, any interest in said lands and premises above mentioned, upon which said lots and parcels of land so purchased by him are situated, and he avers and says that he had no notice of any claim, or pretended claim, of the complainants to said land and premises until the service of subpœna in this suit.

And this defendant further says that he is, and claims to be, a bona fide purchaser, without notice of any claim of the complainants, of the following lands and premises which were donated to him upon consideration of the trusts therein imposed upon him, which trusts have been actually and fully performed by him, and the fulfilment whereof constitutes a valuable consideration and payment for said lands.

1st. The said Antoine Beaubien, junior, and wife, donated to this defendant, bishop coadjutor and administrator of the Right Reverend Frederick Rosse, bishop of the Roman Catholic and Apostolic diocese of Detroit, and to his successor, all that certain piece or parcel of land known as lot number one, on the south side of Crogan street, being a part of the Antoine Beaubien farm, so called, in the city of Detroit, in trust; to have and to hold the same, in consideration that he would and should procure a bell for the use of the German Roman Catholic Apostolic church, in the city of Detroit, called the St. Mary's church; and the said Antoine Beaubien and wife, by deed, of date the 19th day of February, A. D. 1846, conveyed by deed upon said express trust, the said land and premises; and this defendant afterwards, and before he had any notice whatever that the complainants claimed any right, title or interest, as alleged in said bill of complaint, did cause to be purchased and procured a bell for said church, and caused the same to be set up and placed in operation, and there was paid therefor the sum of three hundred dollars and upwards; and therefore, he says that he is, and should be so accorded in law, as a bona fide purchaser of said lot, as he caused to be paid the money for said bell, and in respect thereto proceeded bona fide, without notice of the claim of the complainants.

And this defendant, Bishop Paul Le Fevre, further says, that the said Antoine Beaubien, on the first day of July, eighteen hundred and fifty-two, donated to this defendant, as bishop and administrator of the Roman Catholic diocese of Detroit, a lot of land situate on the Antoine Beaubien farm, known and described as lot number (14) fourteen, on the west side of said Antoine street, in Detroit, according to a map of and survey of A. E. Hotham, and by deed of the date last aforesaid conveyed to him the said lot upon trust that he would perform funeral services for his late wife, and for himself after death, and for the purpose of conducting a school on said premises for the girls of St. Mary's church and congregation, and for all such other good and convenient purposes as this defendant and his successors should determine.

And this defendant says, that after said deed was made, and before any notice whatever of the complainant's claim, he has so far performed the funeral services required, and shall carry out and fulfil the intentions of the donator in this respect in future, as a part of the consideration of his title and right to said lot and pre-

mises. He has also caused to be erected a three-story brick building upon said lot, and caused the same to be used and appropriated for the purposes of a school, as is contemplated and intended in the trusts in said deed, imposed upon him; and in good faith and in pursuance of the intentions of the donator, intends that the building and appurtenances shall in future be sacredly and faithfully used and appropriated for the purposes above mentioned; and therefore he says, that having made valuable improvements upon said land and premises without notice, he should be protected in the law as a bona fide purchaser, and such he claims to be, and asks the decree of this honorable court in his favor. He says that he has caused to be paid for the building and improvements on said land and premises last mentioned, about three thousand dollars.

And this defendant further says, that on the sixth day of June, in the year of our Lord one thousand eight hundred and forty-six, the said Antoine Beaubien and Monique, his wife, donated to him, this defendant, lots one, two and three, upon the north side of Clinton street, and lots one, two and three, upon the south side of Mullett street, being the whole of that parcel of land lying between the Catholic and Protestant cemeteries, in the city of Detroit, according to the map of the farm of Antoine Beaubien, recorded in the office of the register of deeds of the county of Wayne, and by deed of the last mentioned date conveyed to the said defendant, as bishop aforesaid, the said lots and premises, in trust, for the purpose of erecting thereon a hospital, under the name and style of "Saint Mary's." And this defendant says, that after said deed was made, and before he had any notice whatever of the claim of the complainants, in pursuance of said trust, he did cause to be built a large and commodious building for the purpose of a hospital for the sick, poor and disabled, and the building thereon erected and built is now used for that purpose, and is in successful operation; and this defendant says that he has expended and paid for the erection and completion of said building himself, about fifteen thousand dollars, and there has been paid by others, benevolently and charitably disposed to the object, other and large sums of money. And this deponent says and pleads, therefore, that he is thus a bona fide holder of said land and premises, having made the said improvements in pursuance of the condition of purchase, without notice, and so claims the protection of this honorable court.

And this defendant, Bishop Paul Le Fevre, further says, that on the 22d day of February, in the year of our Lord one thousand eight hundred and forty-two, the said Antoine Beaubien and Monique, his wife, conveyed and deeded to this defendant all those certain lots and parcels of land situate and being on the southerly side of Croghan street, on the Antoine Beaubien farm, so called,

in said city of Detroit, known and designated on Farmer's map of said city as lots numbered two (2), three (3) and four (4): to have and to hold to this defendant, as bishop coadjutor administrator as aforesaid, in trust as follows, to wit, that he shall suffer and permit the buildings thereon erected to be used as a place of worship for the Roman Catholic congregation, and that another part of said premises should be used and occupied as a residence for a priest, and for no other purposes; and that certain masses should be had for the said Antoine and Monique, and for the repose of their souls when departed.

And this defendant says, that long previous to the execution of this deed and before this defendant was assigned to the bishoprick of this diocese, the last mentioned lots were donated to the church, and a bond was given for a deed of said land and premises upon certain conditions; and upon the faith of said bond and in pursuance of the conditions thereof, a large and commodious church building was built upon said land and premises by the beneficiaries thereof or contributors thereto, and the same was built for and designed to be used by the German Roman Catholic congregation in the v' inage of Detroit, and at the time said deed was made, the building, now the German Roman Catholic church, was nearly completed, and this defendant being the chief governor and administrator of this diocese, in which the said church was built, became the legal possessor of said lots and premises, and said deed was made to him accordingly, and he holds the same in trust for the uses and purposes above mentioned. That since the said deed was made, he has made valuable improvements thereon, amounting to many thousands of dollars, and completed and perfected the said buildings thereon and caused to be erected others thereupon, for the sole use and accommodation of the German Roman Catholic congregation of the vicinity of Detroit, in pursuance of the conditions of the deed to him and the trusts therein imposed; and therefore he pleads in behalf of his cestui que trusts and himself, that he is the holder of said lots and premises as a bona fide purchaser, having made valuable improvements upon the said lots before he had any notice whatever that the complainants, or any of them, claimed any right or title therein.

And this defendant, Theodore Williams, severally answering, says and pleads in bar that, through the aforesaid common sources of title he now claims to own in fee simple, and to be seized of and possessed of the following lands and premises, situated in the city of Detroit, and State of Michigan, known and described as lot numbered forty-nine on the Lambert Beaubien farm, on the south side of Jefferson avenue, in said city of Detroit, agreeably to the plat of said farm. And this defendant further says, that his father, General John R. Williams, purchased the one undivided fourteenth part of the Lambert Baubien farm of Veranique Cicotte, formerly

Veranique Beaubien, and one of the daughters of said Lambert Beaubien, deceased, and of Louis Cicotte, her husband, in the lifetime of said Veranique Beaubien Cicotte, and paid therefor the sum of five hundred dollars; and subsequently, and about January, A. D. eighteen hundred and twenty-four, the said Louis Cicotte and Veranique Cicotte, by deed conveyed the said one undivided fourteenth part of said land and premises to said General John R. Williams, the father of this defendant Williams, and the said John R. Williams afterwards devised the said land and premises to this defendant, Theodore Williams. And this defendant further says that his father, John R. Williams, paid the said consideration of said purchase, and received his deed of s'd undivided one-fourteenth part of said Lambert Beaubien farm before he had any notice whatever of any claim or demand of the complainants in respect to any part of said land and premises.

And this defendant further says that after his father, General John R. Williams, had paid for said land and premises, and received his deed therefor, the said Lambert Beaubien farm was partitioned, by due course of legal proceedings, among all the parties claiming any part or portion thereof, by partition proceedings had and perfected in the circuit court of the county of Wayne, Territory of Michigan, and there was set off and allotted to the said John R. Williams, by reason of his purchase aforesaid of said interest of said Louis Cicotte and Veronique Cicotte, the following lots, land, and premises on said Lambert Beaubien farm, to wit: lots (21) twenty-one, forty-six, (46,) seventy-six, (76,) one hundred and seventeen, (117,) one hundred and thirty-five, (135,) one hundred and forty-eight, (148,) one hundred and seventy-nine, (179,) one hundred and ninety-two, (192,) and the said lot forty-nine, belonging to this defendant Williams; also lots nine, (9,) lot 87, eighty-seven, (87,) one hundred and two, (102,) eighteen, (18,) and one hundred and thirty-eight, (138,) and the said John R. Williams thereby became possessed and seized thereof, and after the same was partitioned the said John R. Williams departed this life, leaving this defendant, Devereaux Williams, James Mott Williams, John C. Williams, G. Mott Williams, and Thomas Williams, Ferdinand Williams, and Mrs. David Smart, as his legal heirs, and this defendant and his co-heirs became the legal owners of said lots and premises as tenants in common, except the said lot forty-nine, which was devised to this defendant absolutely by his father, the said Gen'l John R. Williams.

And this deponent claims and insists that his father aforesaid being the bona fide purchaser of said lands and premises, by virtue of his original purchase of the said one-fourteenth part of said land and premises included in the Lambert Beaubien farm, he and his co-heirs and co-tenants in common of said lots and premises so partitioned to his father, must be regarded as entitled to all the right, title, and interest of his said father, and therefore pleads in bar, on

behalf of himself and all his co-heirs and tenants in common, that he is and they are bona fide purchasers for a valuable consideration, without notice, and entitled to the protection of this honorable court, and these defendants pray that it may be pronounced and adjudged by this honorable court whether they should be compelled to make any further or other answer to the said bill of complaint, and pray hence to be dismissed with their reasonable costs and charges unjustly sustained.

P. P. LE FEVRE.
THEO. WILLIAMS.

G. T. SHELDON,
Sol'r for s'd Def'ts.

DISTRICT OF MICHIGAN, *ss.*

On this the 14th day of April, A. D. eighteen hundred and fifty-seven, came before me Peter Paul Le Fevre and Theodore Williams, two of the above defendants, and being duly sworn, say that they have heard read the foregoing plea by them subscribed, and that they know the contents thereof, and that the matters and things therein set forth are true in substance and in fact, as stated respectively by them, and each of them, as they verily believe.

GARWOOD T. SHELDON,
Mast. in Chancery in and for the U. S. Court for the district of Michigan.

Filed 14 April, 1857.

JNO. WINDER, *Clerk.*
By GEO. G. BULL, *Deputy.*

Decree sustaining Demurrer and dismissing Bill.

At a session of the circuit court of the United States for the seventh circuit and district of Michigan, continued and held pursuant to adjournment at the district court-room in the city of Detroit, on Tuesday, the fourteenth day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, Hon. Ross Wilkins, district judge.

In the case between—

JOHN BAPTISTE BEAUBIEN, JEANIVIEVE NORMANDA, Harriet Buffore, and others, Complainants,
and
ANTOINE BEAUBIEN, ROBERT BEAUBIEN, CHARLES J. TROMBLY, Jeanivieve Poupard, and Simon Poupard, her husband, Tho. Coquillard, junior, and Thos. Coquillard, sen'r, widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Rev'd Peter Paul Le Fevre, and others, Defendants.

This cause having been brought on to be heard on the demurrer of the above defendants and others to the amended bill of complaint, and the plea of others of the defendants claiming to be bona fide purchasers for a valuable consideration, without notice, of the lands and premises owned by them on the Antoine Beaubien and Lambert Beaubien farms, described in the bill of complaint, and the said demurrer and plea having been argued by G. T. Sheldon, solicitor and counsel, and H. H. Emmons, counsel for the said defendants, and Messrs. Burt and Maynard, counsel for the complainants, and the arguments of counsel having been duly considered, it is ordered, adjudged and decreed, that the demurrer heretofore filed of the above defendants and others be, and the same is hereby, sustained; and the said plea of the other defendants having been argued by the respective counsel, and the arguments of counsel duly considered, it is ordered, adjudged and decreed, that the said plea of said defendants showing the said defendants such bona fide purchasers without notice, as claimed, be, and is hereby, sustained; and that the said bill of complaint of the complainants, as to the following defendants, to wit: Henry P. Bridge, Alexander Lewis, Richard H. Hall, Alexander Chapoton, James Shearer, Thomas Chase, Henry Miller, James O. Graves, Francis Raymond, Francis Crawford, John L. King, Joseph B. Condon, Samuel Sykes, George Doty, Eustache Chapoton, Edward A. Trowbridge, Chauncy Hurlbut, Neil Flattery and Dennis Flattery, Benjamin Chapoton, Edward Lyon, William Walker, Geo. F. Seitz, Luther Beecher, James E. Eagle, Richard Elliott, James Sherlock, Israel J. Beniteau, Andrew Wilkie, John Copeland, Charles Lappan, Francis Palms, J. B. Baker, Augustus Villaire, M. P. Christian, J. B. Scoville, Edward Cicotte, Robert E. Roberts, James W. Tillman, James Gallager, Edward Gallager, George Fowler, Benjamin L. Webb, Joseph Hoeck, William Young, William Burnell, Henry A. Giesse, Francis Cicotte, James Abbott, Eben N. Willcox, Mrs. Francis Elliott, the Detroit and Milwaukie Railway Company, Peter Dixon, Albert Crane and William B. Wesson, who have filed their pleas as bona fide purchasers, be, and is hereby, dismissed.

Filed in open court April 14, 1857.

JNO. WINDER, *Clerk.*

Decree sustaining Demurrer and dismissing Bill.

At a session of the circuit court of the United States for the 7th circuit and district of Michigan, continued and held pursuant to adjournment at the district court-room, in the city of Detroit, on Tuesday, the fourteenth day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, Hon. Ross Wilkins, district judge.

In the case between—

JOHN BAPTISTE BEAUBIEN, JEANIVIEVE NORMANDA, Harriet Buffore and others, Complainants,

vs.

ANTOINE BEAUBIEN, ROBERT BEAUBIEN, CHARLES J. TROMBLY, Jeanivieve Poupard, and Simon Poupard, her husband, Thos. Coquillard, jun'r, and Thos. Coquillard, senior, widower of Claire Coquillard, deceased, and natural guardian of James Coquillard and Henry Coquillard, minors, her children, Joseph Campau, Theodore Williams, Right Rev'd Peter Paul Le Fevre, and others, Defendants.

This cause having been brought on to be heard on the demurrer of the above defendants and others, to the amended bill of complaint, and the plea of the Right Reverend Peter Paul Le Fevre and Theodore Williams, claiming to be bona fide purchasers for a valuable consideration, without notice, of the lands and premises owned and claimed by them on the Antoine Beaubien and Lambert Beaubien farms, described in the bill of complaint and in said plea, and the said demurrer and plea having been argued by G. T. Sheldon, solicitor and counsel, and W. H. Emmons, counsel for said defendants, and Messrs. Burt and Maynard, counsel for the complainants, and the arguments of counsel having been duly considered, it is ordered, adjudged and decreed, that the demurrer heretofore filed of the above defendants, Theodore Williams and the Right Reverend Peter Paul Le Fevre and others, claiming a portion of the lands and premises in the bill of complaint mentioned, as heirs, donees or otherwise, without valuable consideration, be, and is hereby, sustained; and the said plea of the said defendants, Right Reverend Peter Paul Le Fevre and Theodore Williams, claiming other portions of said lands and premises in their said plea mentioned, as bona fide purchasers for a valuable consideration, without notice, having been argued by the respective counsel, and the arguments of counsel having been duly considered, it is ordered, adjudged and decreed, that the said plea of the said defendants, Peter Paul Le Fevre and Theodore Williams, be, and is hereby, sustained; and that the said bill of complaint of the complainants, as to all said land and premises described and set forth in said plea, be, and is hereby, dismissed.

Passed, filed and entered, April 14, 1857.

JNO. WINDER, *Clerk*.

By GEO. G. BULL, *Deputy*.

Stipulation as to Detroit and Milwaukie R. R. Co. and others.

Circuit Court of the United States for the district of Michigan.

BEAUBIEN et al.
vs.
BEAUBIEN et al.

It is stipulated that the case of the defendants, the Detroit and Milwaukie Railway Company, Peter Dixon, Albert Crane and William B. Wessen, stand as if they had put in plea of being bona fide purchasers without notice, and that decree stand as to them in the same position as to those who have put in pleas.

BURT & MAYNARD,
Sol'rs for Complainants.
JAMES V. CAMPBELL,
Sol. for Defendants.

Petition for allowance of the Appeal.

JOHN BAPTISTE BEAUBIEN, JEANIVIEVE NORMANDA, Harriet Buffore, Toddy Buffore, Antoine Parent, Jacques Parent, Catharine Parent, Seelonge Parent, Benjamin Longlois, Moses Longlois, Gregoire Longlois, Alexander Longlois, Joel Longlois, Tarcede Pelete, Ovid Pelete, Dosette Longlois, Eli Parent, Polly Jonnice, Jule Jonnice, John Baptiste Vilaire, Alexander Vilaire, Dounes Gothier, Complainants,

versus

ANTOINE BEAUBIEN, ROBERT BEAUBIEN, CHARLES J. Tromble, Jeanivieve Poupard, Simon Poupard, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, James Coquillard, Henry Coquillard, Joseph Campau, Theodore Williams, Peter Paul Lefevre, Eben N. Wilcox, and William Fisher, Defendants.

In the Circuit Court of the United States for the district of Michigan.—In chancery.

The said complainants pray an appeal from the judgment and decree of said court in said cause to the Supreme Court of the United States.

BURT & MAYNARD,
Solicitors for Complainants.

7 May, 1857.

To the Hon. Judge of the district court of the U. S. for the district of Michigan, and one of the judges of said circuit court.

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DISTRICT OF MICHIGAN, *ss.*

The appeal in the above entitled case is hereby granted and allowed.

Detroit, Dec. 28, 1857.

ROSS WILKINS,
U. S. Dist. Judge Michigan District.

Citation.

By the Honorable Ross Wilkins, one of the judges of the circuit court of the United States for the seventh circuit and district of Michigan. In chancery.

Whereas John Baptiste Beaubien, Jenevieve Namanda, Harriet Buffore, Toddy Buffore, Antoine Parent, Catharine Parent, Seelonge Parent, Benjamin Longlois, Moses Longlois, Gregoire Longlois, Alexander Longlois, Joel Longlois, Tarcede Telete, Ovid Telete, Dorette Longlois, Eli Parent, Polly Jonnice, Jule Jonnice, John Baptiste Velaire, Alexander Velaire, and Dounes Gothier, complainants, have lately appealed to the Supreme Court of the United States from a decree lately rendered in the circuit court of the United States for the seventh circuit and district of Michigan, made in favor of Antoine Beaubien, Robert Beaubien, Charles J. Tromble, Jeanivieve Poupard, Simon Poupard, Thomas Coquillard, jun'r, Thomas Coquillard, sen'r, James Coquillard, Henry Coquillard, Joseph Campau, Theodore Williams, Peter Paul Le Fevre, Eben N. Wilcox, William Fisher, and others, defendants in a case pending in said circuit court, and the said complainants have filed the security required by law:

You are therefore hereby cited to appear before the said Supreme Court at the city of Washington, on the first Monday, being the sixth day of December next, to do and receive what may appertain to justice to be done in the premises.

Given under my hand at Detroit, in the district of Michigan, in the seventh circuit, this third day of January, in the year of our Lord one thousand eight hundred and fifty-eight, and of the independence of the United States the eighty-second.

(Signed) ROSS WILKINS, [SEAL.]
Judge of the District Court of the United States for the District of Michigan, and one of the judges of the Circuit Court of the United States for said District of Michigan.

STATE OF MICHIGAN,
Wayne County.

E. W. Meddough, of the city of Detroit, in said county and State, being duly sworn, deposes and saith, that on or about the 20th day of February last past, this deponent served on James V. Campbell, esq., Eben N. Wilcox, esq., Halmer H. Emmons, esq.,